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LEGISLATIVE ASSEMBLY DEBATES

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SIXTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY,
1933



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Legislative Assembly.

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Deputy President :

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SIR ABDULLA-AL-MAMUN SUHRAWARDY, KT., M.L.A.

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MR. GAYA PRASAD SINGH, M.L.A.

KUNWAR HAJEE ISMAIL ALI KHAN, O.B.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Thursday, 24th August, 1933.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

TRANSFER OF ADEN TO HIS MAJESTY'S GOVERNMENT.

49. ***Mr. Gaya Prasad Singh :** Is there any proposal for the transfer of Aden to His Majesty's Government ?

Major W. K. Fraser-Tytler : The answer is in the affirmative. The Honourable Member has no doubt seen the Press Communiqué on the subject which was issued by the Government of India on the 20th June, 1933, of which I lay a copy on the table.

Government of India Press Communiqué, dated the 20th June, 1933.

His Majesty's Government have recently received representations from different communities among the inhabitants of Aden as well as from certain quarters in India expressing their various views in regard to transfer of the administration of Aden from the control of the Government of India to His Majesty's Government. The matter is one which is now receiving the consideration of His Majesty's Government and of the Government of India in connection with impending constitutional changes. Full opportunity will be given for discussion in the Indian Legislative Chambers at their next Session and for all interests concerned to state their views. Meanwhile, His Majesty's Government think that it would be convenient that the considerations which suggest the desirability of a transfer of the administration and the conditions that would be entailed by such a transfer should be made known, so that the problem can be discussed with full knowledge of the facts. The reasons which suggest that Aden should not remain linked with India under the new constitution are that it is an area geographically remote from India ; that it would not naturally fit into the new federation ; that it is already to some extent under Imperial control and that it is inseparable in practice from the Aden Protectorate, which has already passed wholly out of Indian control. If it should be decided that the administration of Aden should be separated from that of India, His Majesty's Government contemplate that the following conditions would be established :—

- (1) India would be relieved of the annual contribution of approximately £150,000 sterling or rupees twenty lakhs at present payable towards the military and Political administration.
- (2) The right of appeal in judicial cases to the Bombay High Court would be maintained.
- (3) His Majesty's Government would maintain the existing policy of making Aden a free port unless some radical change in the present economic situation should take place. From their own point of view abandonment of this policy would clearly, in existing economic conditions, be financially unsound since the prosperity of Aden depends largely upon its transit trade.

- (4) His Majesty's Government would do their utmost to maintain the present standard of administration and would not impose any additional taxation unless such a course became in their opinion absolutely necessary.
- (5) A proportion of Indian Service Administrative personnel would be retained in the Aden Service for some years after the transfer took place.
- (6) No racial legislation or segregation would be permitted by His Majesty's Government.

Mr. Gaya Prasad Singh : Are Government aware of the obvious geographical fact that Aden is nearer to India than to England ?

Major W. K. Fraser-Tytler : Government are aware of that, but I think possibly it would be better to defer discussion on that point until the matter is debated on the floor of this House. An opportunity is being given for such a debate.

Mr. S. C. Mitra : Are the Government of India aware that there is a very strong feeling amongst Indians against this transfer, and will this House be given an opportunity to express their views on the subject ?

Major W. K. Fraser-Tytler : I would refer the Honourable Member to the reply I have just given to Mr. Gaya Prasad Singh.

Mr. S. C. Mitra : I could not follow the Honourable Member. Will he repeat his reply ?

Major W. K. Fraser-Tytler : An opportunity will be given for a debate on the floor of the House with regard to Aden.

ALLEGATIONS AGAINST THE MILITARY IN CALCUTTA.

50. ***Mr. Gaya Prasad Singh :** Is it a fact that on the 27th May last, about 25 Indian soldiers with a havildar, and an European officer, entered into the compound of the Shiva temple, which has been in existence for over 100 years, situated at the St. George's Gate, Hastings, Calcutta, cut down flower plants in the temple garden, and prevented the Hindus from going into the temple for worship ? Has the General Officer Commanding, Fort William, been addressed on the subject by the Hindu Sabha of Calcutta ? What are the facts of the incident, and the steps, if any, taken in the matter ?

Mr. G. R. F. Tottenham : I am informed that the facts are as follows. A small temple has existed for many years in the Ordnance Lines in question, for the use of the Hindu lascars living in the Lines. It possesses no egress to the main road and has never been open to the general public. Some time within the last seven years the priest of the temple encroached on a piece of ground measuring 139' by 32', which he made into a garden. The Lines themselves are being given up by the military authorities and it is intended to sell the property. Before doing so the military authorities naturally desired to regain possession of the encroachment ; and on the 27th May some sepoys under a warrant officer were directed to take possession of the ground. They were unable to do so, as objections were raised, and so they retired. No force was used and no flowers were cut.

The military authorities have never interfered with the site of the temple itself and they are prepared to hand it over to the Hindu

community. They are now negotiating with the Hindu Sabha about the encroachment and it is hoped that an amicable settlement will be arrived at.

Mr. Gaya Prasad Singh : When did this alleged encroachment by the priest of the temple take place ?

Mr. G. R. F. Tottenham : Some time during the last seven years.

Mr. Gaya Prasad Singh : Were any steps taken by the military authorities concerned in a Civil Court or otherwise to regain possession of the land which was encroached upon ?

Mr. G. R. F. Tottenham : As I said, we are trying to arrange the matter amicably without going to Court.

Mr. Gaya Prasad Singh : My question was, before the sepoys entered into the compound and tried to take possession of the land, had any civil action been taken by the military authorities for regaining possession of the land ?

Mr. G. R. F. Tottenham : No, Sir.

Mr. Gaya Prasad Singh : Under what law did the military authorities want to take possession and enter into the land ?

An Honourable Member : Martial law !

Mr. G. R. F. Tottenham : The military authorities held that the ground which had been encroached upon and made into a garden did not belong to the temple and that the land belonged to them.

Mr. Gaya Prasad Singh : My question was this. This alleged encroachment took place during five or six years and, during this period, no action was taken by the military authorities either in the Civil Court or Criminal Court. Then, under what colour of law did the military authorities try to enter into the land and take possession of it ?

Mr. G. R. F. Tottenham : I am not a lawyer, but I imagine there is a law of property under which one is entitled to take this sort of action.

•Mr. Lalchand Navalrai : Was it under the orders of the higher officers of the military—the Havildar and the European officer—that they entered ?

Mr. G. R. F. Tottenham : Yes.

Mr. Lalchand Navalrai : Did they do any damage to the garden ?

Mr. G. R. F. Tottenham : No.

Mr. Gaya Prasad Singh : What is the way in which they tried to take possession of the land—mere entry into the ground or what ?

Mr. G. R. F. Tottenham : Mere entry.

Mr. Lalchand Navalrai : Did the higher officers decide that this was not a private temple but that it belonged to the Government ?

Mr. G. R. F. Tottenham : I have given their opinion.

Mr. B. R. Puri : Did the other party admit that it was a case of encroachment ?

Mr. G. R. F. Tottenham : No, Sir. I will read to you what the other party said, or rather what the other party did :

“ The military party went to this particular spot on the 27th May and were met by two pandits of the temple. One of them raised a *lathi* above his head and threatened to strike the warrant officer if he entered the spot, and the other with a *kukri* threatened to cut the hands off of any one who tried to enter into any part of the garden. The warrant officer wisely withdrew the sepoys.”

Mr. B. R. Puri : I take it that they did dispute the claim that they had committed any encroachment ?

Mr. G. R. F. Tottenham : Apparently.

Mr. B. R. Puri : If they did, beyond the fact that you had your own opinion that it was a case of encroachment, had you any other authority in support of your claim that it was a case of encroachment ?

Mr. G. R. F. Tottenham : Yes, Sir. There is the fact that the temple authorities have no documents of any kind to show that they have any right to the land.

Mr. B. R. Puri : Had you any documents which you could have produced earlier ?

Mr. G. R. F. Tottenham : We know that the land forms part of the Ordnance Lines which belong to the military authorities.

Mr. Lalchand Navalrai : Was the temple-keeper asked to produce his witnesses in support of his claim and was he a party to the enquiry that was made by the military authorities ?

Mr. G. R. F. Tottenham : Will the Honourable Member kindly repeat his question ?

Mr. Lalchand Navalrai : When the Government afterwards made an enquiry were the pandits at least asked to put in their claim and to produce their evidence, and were they a party to the proceedings, or was it a mere *ex parte* enquiry ?

Mr. G. R. F. Tottenham : No enquiry was made before this action took place, but an enquiry is now taking place and we hope to reach an amicable settlement.

Mr. Lalchand Navalrai : Are those pandits now being asked to put in their claim ?

Mr. G. R. F. Tottenham : They have no doubt been asked to put in their claim. We are discussing the whole matter and we hope to reach an amicable settlement.

Sardar Sant Singh : Are we to understand that the military authorities made themselves the judges of the dispute between themselves and the temple authorities ?

Mr. G. R. F. Tottenham : No, Sir. The military authorities claimed the plot as part of the military land in the Ordnance Lines and, when they met with objection, they have been trying to settle the matter amicably.

Mr. Gaya Prasad Singh : But don't you think that the proper course for them would have been to have gone to the Civil Court or Criminal Court instead of trying to take possession of the land under colour of no law ?

Mr. G. R. F. Tottenham : That is a matter of opinion.

Mr. Gaya Prasad Singh : What is the documentary evidence in possession of the military authorities to justify their claim ?

Mr. G. R. F. Tottenham : Exactly the same as their title in the Ordnance Lines.

Mr. M. Maswood Ahmad : What steps are Government taking to bring about an amicable settlement ?

Mr. G. R. F. Tottenham : They have got into touch with the Hindu Sabha on the subject and they are discussing the matter.

Mr. M. Maswood Ahmad : Will Government be pleased to communicate the result of that inquiry to the House ?

Mr. G. R. F. Tottenham : Certainly.

ACCIDENT TO THE 8 DOWN DELHI EXPRESS AT ASANSOL.

51. ***Mr. Gaya Prasad Singh :** Will Government please state the cause of the accident to the 8 Down Delhi Express at Asansol in June, the number of casualties, and the steps taken in the matter ?

Mr. P. R. Rau : The accident referred to occurred at Gomoh on the 3rd June.

At about 12/25 hours on the 3rd June, 1933, the outgoing engine of No. 8 Down Express, while backing on to the train which was standing on the Down Main Platform line, collided with the train stock resulting in slight injuries to 17 passengers, who were travelling in the front bogies of the train.

The Sub-Assistant Surgeon of Gomoh was immediately summoned. He attended with his staff at 12/40 hours, and rendered first aid to the injured passengers, who elected to continue their journey to destination.

An enquiry was held and the conclusion arrived at was that the collision was due to a sudden attack of fainting on the part of the driver at the moment he was nearing the rake. This finding has been accepted by the Senior Government Inspector.

TREATMENT METED OUT TO MR. M. S. ANEY IN THE MIDNAPUR JAIL.

52. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the statement made by Mr. M. S. Aney, Acting Congress President with regard to his treatment in Midnapur Jail, in the course of which he says that he was not given any concession during the period of his detention as a Division II under-trial prisoner, that he had no complaints to make against the rule to search as such, but against the method in which the search was conducted in defiance of all sense of decency, and that he was made to sit and stand forcibly when the Jail Superintendent visited the Jail ?

(b) Was any enquiry made into the allegations before the official denial was issued on the subject ? If so, who made the enquiry ; and was Mr. Aney, or any one else examined ? Are Government prepared to accept Mr. Aney's challenge that he is prepared to prove his allegations if Government gave him an opportunity ?

The Honourable Sir Harry Haig : (a) and (b). I have seen a Press report on the subject. Mr. Aney himself has not addressed the Government in the matter. The facts were stated in my letter to Mr. Jog after due enquiry had been made by the Local Government on the complaints brought to notice by him. No further action is proposed to be taken.

As regards the complaint that Mr. Aney was given no concession as a Division II undertrial prisoner, I may note that in the case of undertrials there are only two divisions, not three as in the case of convicts. A Division II undertrial prisoner is not entitled to any concession.

Mr. B. R. Puri : May I know, inasmuch as the word " inquiry " is frequently occurring here, what is the exact significance of the inquiry according to the lights of the Government.

The Honourable Sir Harry Haig : I am afraid I cannot enter into an elaborate definition of what is meant by an ordinary word such as inquiry.

Mr. B. R. Puri : In order to enable you to appreciate what I am driving at, would you consider it to be an inquiry at all, if the inquiry was entrusted to the head of a particular department, the subordinate of which department is alleged to have offended any rule or regulation and after recording the denial of the party in question the inquiry is completed, would the Government regard that as a satisfactory and sufficient inquiry ?

The Honourable Sir Harry Haig : I now apprehend what the point of the Honourable Member's question is and I think I may answer him by distinguishing between two forms of inquiry. One is what might be called a formal inquiry involving the taking of a number of statements, what we call a departmental inquiry or a judicial inquiry. The other is a form of inquiry with which, I think, Honourable Members must be perfectly well acquainted—to ask a person what the facts are. That is all the inquiry that was made on this occasion. The Local Government asked the Superintendent of the Jail or the District Magistrate what were the facts and he reported.

Mr. B. R. Puri : In this particular case do the Government regard that the inquiry has been sufficient and satisfactory from their point of view ?

The Honourable Sir Harry Haig : Yes.

Mr. Lalchand Navalrai : The Honourable Member has not replied to one part of the question. There is an allegation that the search of Mr. Aney was conducted in defiance of all sense of decency and that he was made to sit and stand forcibly when the Jail Superintendent visited the jail. May I know if Mr. Aney has himself been asked whether he alleges that he was put to this treatment or not and what is the reply to this ?

The Honourable Sir Harry Haig : No, Sir. As I have already stated, Mr. Aney himself has not addressed the Government in the matter at all.

Mr. Lalchand Navalrai : May I know, therefore, that the reply to this question is that he was not put to that indecent treatment ?

Th Honourable Sir Harry Haig : I do not propose to go any further into the matter. Mr. Aney has not thought fit to make a complaint to the Government, and Government do not propose to take any further steps.

Mr. Lalchand Navalrai : Is it a fact that this incident took place ?

The Honourable Sir Harry Haig : I have made no further inquiries into the matter. It appears to me from Mr. Aney's subsequent statement that the matter was of such a trivial nature that the Superintendent did not know even what the matter complained of was.

Mr. Lalchand Navalrai : Then, the Superintendent did not go into such a serious allegation as this ?

The Honourable Sir Harry Haig : I do not think it is a serious allegation.

Mr. Gaya Prasad Singh : Was Mr. Aney examined in the inquiry that was made ?

The Honourable Sir Harry Haig : As I have already said, it was not a type of inquiry in which people are examined.

Mr. Gaya Prasad Singh : Mr. Aney was the person most interested in the matter and do the Government think that any inquiry could be complete or satisfactory when the party most affected in the matter was not examined ?

The Honourable Sir Harry Haig : If, as the Honourable Member says, Mr. Aney was the person most concerned, I should again like to draw his attention to the fact that Mr. Aney has made no complaint.

Mr. Lalchand Navalrai : May I know from the Honourable Member, if an *ex-M.L.A.* is made to sit and stand and put to that sort of treatment, if that treatment is insignificant or not a bad treatment at all ?

The Honourable Sir Harry Haig : I am afraid even an *ex-M.L.A.* when he goes to jail must expect to submit to the ordinary jail discipline.

Mr. K. C. Neogy : Is this method of making a person sit and stand when the Jail Superintendent visits the jail a matter of ordinary rule or jail discipline.

The Honourable Sir Harry Haig : I think it is certainly an ordinary rule that when a superior officer visits the jail, prisoners must stand to attention.

Mr. K. C. Neogy : When he refuses to do so, does the jail rule permit anybody to make him forcibly stand ?

The Honourable Sir Harry Haig : I should think that it will be preferable to inflicting any severe punishment upon him.

Mr. B. R. Puri : Does not that amount to an assault ?

The Honourable Sir Harry Haig : I am afraid I must consult my legal advisers on that point.

Mr. Gaya Prasad Singh : Was Mr. Aney an undertrial prisoner or a convicted prisoner when this sort of treatment is alleged to have been accorded to him.

The Honourable Sir Harry Haig : He was an undertrial.

Mr. Gaya Prasad Singh : Is it in the jail rules that a prisoner should stand and sit, and if he does not do it, he should be made to do that forcibly ?

The Honourable Sir Harry Haig : Prisoners must certainly submit to jail discipline.

Mr. Gaya Prasad Singh : An undertrial prisoner is not a person who has been convicted by a competent court of law, and under what rule can he be made to sit and stand forcibly.

The Honourable Sir Harry Haig : I am afraid he must observe the ordinary jail rules of discipline.

Mr. B. R. Puri : If the Superintendent chooses to multiply his visits, what would be fate of the poor man ? After all the Superintendent is not the National Anthem that everybody should stand to attention ? (Laughter.)

NON-GRANT OF A PASSPORT TO MR. SUBHAS CHANDRA BOSE TO VISIT ENGLAND.

53. ***Mr. Gaya Prasad Singh :** Is it a fact that Mr. Subhas Chandra Bose has not been given a passport to visit England ? Have Government sent any recommendations in this matter to the authorities in England ?

The Honourable Sir Harry Haig : As regards the first part of the question, I would refer the Honourable Member to the reply given by me to Mr. S. C. Mitra's question No. 878 on the 23rd March. The answer to the second part is in the negative.

ALLEGATIONS AGAINST A CLERK IN THE OFFICE OF THE CONTROLLER OF RAILWAY ACCOUNTS.

54. ***Mr. B. N. Misra :** (a) Is it a fact that there is a bogus clerk in the office of the Controller of Railway Accounts, actually working in the name of his ten years old son, as an agent of the Bombay Life Insurance Company, monopolising all the offices of the Government of India Departments for his profession and thus deliberately defying the Government Servants' Conduct Rules ?

(b) Is it a fact that in December, 1926, a report to this effect was made against that clerk to the officers by the Superintendent of his section but the matter was hushed up by the intervention of Rai Bahadur B. D. Puri, the then Deputy Director of Finance in the Railway Board, who got that clerk transferred temporarily to the Railway Board's office on 20 per cent. more pay than that which he was getting in the office of the Accountant General, Railways ?

(c) Is it a fact that after his re-transfer from the Railway Board's office the said clerk continued and still continues the insurance work ?

(d) Is it a fact that in April, 1932, Mr. I. S. Puri, the then Deputy Controller of Railway Accounts, stopped the increment of the said clerk on account of his inefficiency and passed on his increment papers very adverse remarks ?

(e) Are Government aware that soon after the transfer of Mr. I. S. Puri from the office of the Controller of Railway Accounts and on arrival

of Mr. P. G. Shaw in that office, the papers containing the adverse remarks mentioned in part (d) above were destroyed by the said clerk and a fresh increment slip was prepared and sanction for the same was obtained by the mediation and help of superintendents ? If so, what steps have Government taken as to a complete inquiry into the case ?

(f) Are Government prepared to issue instructions to all the clerks of the Government of India and attached offices to desist from doing any kind of insurance work either in their own names or in the names of their relatives ?

Mr. P. B. Rau : (a), (b) & (c). I am informed that there is a clerk in the office of the Controller of Railway Accounts whose father and minor son jointly hold the agency in question, and that he used to assist his father outside office hours. In 1926 a report was received against him and he was warned that he should not engage in any private business without sanction. It is understood that he is now not doing any insurance work either directly or indirectly. The clerk in question was employed under the Railway Board temporarily for four months in 1926-27.

(d) & (e). The original increment slip was lost but the question whether an increment should be granted was carefully considered on its merits before it was sanctioned.

(f) The instructions contained in the Government Servants' Conduct Rules are considered to be sufficient.

QUETTA CLUB.

55. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if there is a " Quetta Club " existing in Quetta ?

(b) Who are eligible to be members of this club ?

(c) Is it a fact that this institution was granted a large area of land by Government free of charge for their premises ? What was the original idea of this club being established ?

(d) Does this club supply wines, provisions, oilman stores and other advantages to people other than the members of this club ?

(e) Are Government aware that their last balance sheet showed a turnover of Rs. 2,27,027 in one department (wines and stores) in six months only with a profit of Rs. 13,626-7-6 ?

(f) Are Government aware that at present this club is working in competition with those having business in the same lines in the town of Quetta ?

(g) Does this club pay income-tax to Government ?

(h) Is this club exempt from licence and excise taxes and does this club pay any rents or taxes on club grounds, etc. ?

(i) If the answers to parts (g) and (h) be in the negative, will Government be pleased to state how much loss in that direction has been suffered by Government during the last three years ?

(j) Do Government propose to stop regular business and trade that this club has been doing which affects other dealers in Quetta and impose income-tax on its profits and other rates and charges leviable from this club ? If not, why not ?

Major W. K. Fraser-Tytler : Information is being obtained from the Local Administration and will be given to the House when it is received.

Mr. B. R. Puri : Have the Government issued any *interim* order that the activities of the club should cease, pending the inquiry.

Major W. K. Fraser-Tytler : No.

Mr. Lalchand Navalrai : Why not ?

Major W. K. Fraser-Tytler : Because I have not yet received information on the subject.

Mr. Lalchand Navalrai : Without any further information being received, why should not an *interim* order be issued making the club stop these activities, or these illegalities as I would call them. There will be nothing lost if an *interim* order is issued to this effect.

Mr. B. R. Puri : How much time will this inquiry take ?

Major W. K. Fraser-Tytler : I hope to have an answer very shortly.

Mr. B. R. Puri : In another week or 10 days ?

Major W. K. Fraser-Tytler : In about a week.

Mr. B. R. Puri : Then no *interim* order need be issued.

INTRODUCTION OF ELECTIVE SYSTEM IN THE QUETTA MUNICIPALITY.

56. ***Mr. Lalchand Navalrai :** (a) Is it a fact that the Quetta municipality consists of members nominated by Government ?

(b) When was this system introduced ?

(c) Do Government propose to introduce the elective system in the Quetta municipality ? If not, will Government be pleased to state their full reasons for not doing so ?

Major W. K. Fraser-Tytler : (a) The answer is in the affirmative.

(b) In 1896 when the Quetta Municipal Law was enacted.

(c) Government are prepared to consider the matter if and when a local demand for such action is manifest.

Mr. Lalchand Navalrai : Will the Honourable Member send a copy of these questions and answers to the Local Government to show that there is at least a demand from a Member here that the elective system should be introduced and, therefore, they may consider it ?

Major W. K. Fraser-Tytler : Yes, Sir.

Mr. Lalchand Navalrai : Thank you.

PROFESSIONAL REPRESENTATION IN THE CIVIL AND CRIMINAL COURTS OF QUETTA.

57. ***Mr. Lalchand Navalrai :** (a) Are Government aware that professional representation in the civil and criminal courts of Quetta is a restricted one and that members of the Bar are being allowed to appear only with special permission in very special cases only ?

(b) Do Government propose to allow unrestricted representation by the members of the Bar on the lines prevailing in the neighbouring province of Sind ? If not, why not ?

Major W. K. Fraser-Tytler : (a) Professional representation in Civil and Criminal Courts in Quetta is not restricted. Any qualified legal practitioner may appear as such in civil and criminal cases provided he obtains authority from the Agent to the Governor General and Chief Commissioner in Baluchistan. It is not the practice to grant such authority in very special cases only. There is no Bar in Quetta but thirteen qualified legal practitioners are permanently in residence there.

(b) Government do not propose to alter the existing system which appears to meet the requirements of the public who have expressed no desire for any change.

Mr. Lalchand Navalrai : Did the Honourable Member say that there are 30 members of the bar ?

Major W. K. Fraser-Tytler : I said 13.

Mr. Lalchand Navalrai : As it was a news to me, I was saying 30. According to my information, there are only two or three members of the bar. What I wish to ask is this. Is there any correspondence or move going on to the effect that British Baluchistan will become a separate province ?

Major W. K. Fraser-Tytler : No, Sir. I do not think so. •

Mr. Lalchand Navalrai : May I know what are the reasons for not allowing the legal practitioners without any permission to appear if they are qualified ?

Major W. K. Fraser-Tytler : Because, as I have already said, the present system appears to meet the requirements of the public, who have expressed no desire for change.

Mr. B. R. Puri : I can answer that question better : because of the Regulations which lay down the law on the subject.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to consider whether the Regulation which places a bar against the members of the bar without a special authority be withdrawn ?

Major W. K. Fraser-Tytler : I shall require notice of that question.

Mr. B. R. Puri : Was sanction at all refused in any known cases during the last year or two ?

Major W. K. Fraser-Tytler : I am afraid I cannot say that. I must require notice of that question.

Mr. B. R. Puri : Would you kindly take this as a notice that an inquiry might be made as to how many applications were actually rejected ?

The Honourable Sir Harry Haig : What sort of an enquiry ? (Laughter.)

Mr. M. Maswood Ahmad : Has the Honourable Member suggested that Baluchistan is not going to be made a separate Governor's province ?

Major W. K. Fraser-Tytler : As far as I know, it is not ; but I shall require notice.

Mr. M. Maswood Ahmad : You have said in reply to a supplementary question by Mr. Lalchand Navalrai that it is not going to be made a separate Governor's province.

Major W. K. Fraser-Tytler : I said, as far as I know, is it not. But if you press the question, I shall require notice.

Mr. M. Maswood Ahmad : Are Government aware that there is an overwhelming demand from the Muslim community that Baluchistan should be made a Governor's province ?

An Honourable Member : Who will pay for its administration ?

Mr. M. Maswood Ahmad : We will pay.

FACILITIES GRANTED TO PROFESSOR S. C. SEN IN COMPLETING HIS STUDIES
AND TAKING A CAREER THEREAFTER.

58. ***Mr. Gaya Prasad Singh** : (a) Are Government aware that Prof. S. C. Sen, M.Sc., A.F.R.Ac.S. (London), is the only Indian who has been given practical training at the workshop and air port of the Deutsche Luft Hansa (German Air Service) at Berlin and Munich, and carried on advance studies and research in the University of Munich, and has now gone to Croydon aerodrome, where necessary facilities have been granted to him by the authorities of Imperial Airways ?

(b) Have the Government of India or His Majesty's Government given this Indian any facility, financial or otherwise, in completing his studies and taking a career thereafter ?

The Honourable Sir Frank Noyce : (a) In the correspondence which has passed between the Director of Civil Aviation and Professor S. C. Sen who has written from time to time asking for information in connection with training facilities and the possibilities of obtaining employment in Civil Aviation in India, Professor Sen has stated that he has taken practical training in the Workshops and air port of the Deutsche Luft Hansa for about one and a half years and that he intended to take further short training at the Croydon aerodrome. Government have no information whether he is the only Indian who has been trained at the Deutsche Luft Hansa.

(b) Professor Sen has not applied for any financial assistance, but he has been given all possible assistance in the matter of advice and facilities for training in aeronautical engineering and allied subjects.

Mr. Gaya Prasad Singh : Are Government aware that this gentleman, Mr. Sen, studied aeronautics and the modern methods of aeronautical research, such as, wind tunnel experiments and X-Ray analysis of materials at the Munich University ? I have got his letter with me.

The Honourable Sir Frank Noyce : I am quite prepared to take the Honourable Member's statement as correct.

SUM TO BE TAKEN FROM INDIA AS A RESULT OF THE OTTAWA AGREEMENT.

59. ***Mr. Gaya Prasad Singh** : Will Government be pleased to state if a sum of £2,880 per year is to be taken from India as a result of the Ottawa Agreement ? If so, for how many years and why ?

The Honourable Sir Joseph Bhore : The Honourable Member is probably referring to the recommendation contained in paragraph 358 of the Report of the Imperial Committee on Economic Consultation and Co-operation which met in London a few months ago as a result of a resolution adopted by the Imperial Economic Conference held at Ottawa

in 1932. The Committee have recommended that the several Governments of the Empire should agree to contribute annually £24,000 for a period of three years in the first instance from the 1st October, 1933, towards the financing of certain Inter-Empire Economic Organisations, one of the most important of which is the Imperial Economic Committee. The amount of India's share of contribution has been fixed at £2,880 while larger contributions have been recommended in the case of some of the Dominions and the United Kingdom. I may add for the Honourable Member's information that contributions of the several parts of the Empire have been calculated after considering the statistics of general trade, exports from each part of the Empire to other parts of the Empire, the agricultural production of each part of the Empire, and the benefits likely to be received. The Government of India have accepted the recommendation of the Committee, subject to the concurrence of the Legislature. These contributions have no bearing on the Ottawa Agreement by which presumably the Trade Agreement between the United Kingdom and India is meant.

Mr. N. M. Joshi : May I ask whether any Indians will be employed in this organisation ?

The Honourable Sir Joseph Bore : I think, Sir, that very largely, it consists of organisations which are engaged with research and investigation work. I am not in a position at the present moment to say whether Indians are or are not employed, but I shall certainly make inquiries on that point.

Mr. Gaya Prasad Singh : What will be the benefit to India as a result of this annual contribution ?

The Honourable Sir Joseph Bore : I think we have, as a matter of fact, been contributing for some time to this organisation and, as far as I remember, a great deal of benefit has accrued to India from research work connected with mycology, agriculture and things of that description which are common to many parts of the Empire. But, as I have said, any new expenditure connected with this proposal must, as a matter of fact, come before the Standing Finance Committee which will have to be fully satisfied.

Mr. S. C. Mitra : May I ask if there are Indians in this organisation on the executive body ?

The Honourable Sir Joseph Bore : As I have promised my friend, Mr. Joshi, I shall make inquiries.

Mr. S. C. Mitra : I do not mean the employees. I want to know if there are any Indians on the executive body of the organisation, such as, the High Commissioner ?

The Honourable Sir Joseph Bore : I think the High Commissioner is there.

Mr. S. C. Mitra : Is there anybody else ?

The Honourable Sir Joseph Bore : I really cannot give my Honourable friend any precise information, but I shall make inquiries.

RETENTION OF THE POST OF THE EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

60. ***Mr. Gaya Prasad Singh** : (a) Will Government be pleased to state if it is proposed to retain the post of the Educational Commissioner with the Government of India ?

(b) If so, on what pay ?

(c) What was the recommendation of the Retrenchment Committee in this connection, and what is the name of the present incumbent ?

Mr. G. S. Bajpai : (a) Yes.

(b) For the present, on a salary of Rs. 1,250—50—1,500 and a special pay of Rs. 250 per mensem, subject to a total pay of Rs. 1,500, besides overseas pay, if the officer is of non-Asiatic domicile and entitled to such pay. In view, however, of the desirability of reviving the Central Advisory Board and Bureau of Education as soon as possible, it has been decided to appoint to this post, in the near future, a retired educational officer of wide experience on a salary of Rs. 2,250 per mensem plus his pension.

(c) The Retrenchment Committee recommended that the salary of the post should be subject to a maximum of Rs. 1,500 per mensem. The present incumbent of the post is Mr. Leitch Wilson.

Mr. Gaya Prasad Singh : What was Mr. Leitch Wilson before his present appointment ?

Mr. G. S. Bajpai : He is an Inspector of Schools in the Punjab and he is merely holding the post temporarily until the beginning of October.

ALLEGATIONS AGAINST CERTAIN SERGEANTS DURING THE CONGRESS SESSION IN CALCUTTA.

61. ***Mr. Gaya Prasad Singh** : (a) Has the attention of the Government of India been drawn to a report published in the *Amrita Bazar Patrika*, dated the 10th June, 1933 (page 8) from Pt. Hargovind Misra of Patna, in which he says that he as well as the delegates who were holding the Indian National Congress at the Esplanade tram-shed were "violently attacked by the sergeants wielding batons with all their might, supplemented by kicks and blows ? ", that Pt. Binodanand Jha of Behar "was assaulted by kicks and batons" and the writer of the report was operated upon as an indoor patient in the Medical Hospital Bed No. 91, in the Eye Ward ?

(b) Were any of the persons mentioned in the report examined in course of any enquiry ?

The Honourable Sir Harry Haig : (a) Government have seen the report that Pandit Hargovind Misra was injured, but the injury was not as serious as the report would suggest. He received a lacerated injury on the lower lid of the left eye which necessitated stitching. No other operation was required. The eye-ball was in no way injured and no piece of glass entered it.

(b) Neither Pandit Hargovind Misra nor Pandit Binodanand Jha made any complaints to the authorities in Calcutta. Neither of them were examined in the course of the official enquiry. I would point out

that Pandit Hargovind Misra's statement was only published in the papers on the 9th June.

Mr. Gaya Prasad Singh : Was any inquiry made in the medical hospital regarding the incident reported by Pandit Binodanand Jha ?

The Honourable Sir Harry Haig : I do not know what incident was said to have been reported by Pandit Binodanand Jha.

Mr. Gaya Prasad Singh : The incident reported was that he was very severely assaulted in the eye and that he was injured and that he was operated upon as an indoor patient in the Medical Hospital Bed No. 91, in the Eye Ward ?

The Honourable Sir Harry Haig : I think the Honourable Member must be referring to Pandit Hargovind Misra.

Mr. Gaya Prasad Singh : I am referring to part (a) of my question. Yes, it is a report from Pandit Hargovind Misra. My question was whether any enquiry was made in the Medical Hospital to find out whether this portion of the report is correct or not ?

The Honourable Sir Harry Haig : No, Sir. The function of the medical hospital is to attend to the injuries of the patients.

Mr. Gaya Prasad Singh : And not to report whether a particular patient was attended to in the hospital or not ?

The Honourable Sir Harry Haig : Oh ! Yes ; there is the medical report certainly.

Sardar Sant Singh : Is it not part of the duty of the medical officer of a public hospital to report the matter to the police if such a case comes to them ?

The Honourable Sir Harry Haig : I have not heard that. It is a new doctrine to me.

Sardar Sant Singh : It is not a new doctrine. It is a well recognised practice in the Punjab, and if a doctor does not do it, he is punished for it.

Mr. S. C. Mitra : The same practice prevails in Bengal ; in the case of cognizable offences, the medical authorities have to report to the police.

The Honourable Sir Harry Haig : How is a medical officer to know whether it is a cognizable offence or not ?

Mr. S. C. Mitra : When the assault is very severe, or, in other cases, like poisoning, it is the duty of the medical officer to inform the police.

The Honourable Sir Harry Haig : I have already explained that this was not a very serious injury.

TROUBLES OF THE HINDUS OF THE ALWAR STATE.

62. ***Mr. Gaya Prasad Singh :** Have Government received any representation from or on behalf of the Hindus of Alwar regarding their troubles ?

Major W. K. Fraser-Tytler : Yes.

Mr. Gaya Prasad Singh : What steps have the Government taken with regard to the representation ?

Major W. K. Fraser-Tytler : I want notice of the question.

Kunwar Hajee Ismail Ali Khan : What was the nature of the representation from Alwar ?

Major W. K. Fraser-Tytler : I cannot discuss the question without notice.

Kunwar Hajee Ismail Ali Khan : Will the Honourable Member lay a copy of the representation on the table of the House ?

Major W. K. Fraser-Tytler : I require notice.

Captain Sher Muhammad Khan Gakhar : Can we discuss State matters in the House ?

INSULTING TREATMENT METED OUT TO DECK PASSENGERS AT THE TIME OF THEIR VACCINATION AT RANGOON.

63. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that the deck passengers travelling by the British India Steam Navigation Company steamers from Calcutta to Rangoon are generally subjected to rough and insulting treatment at the time of their vaccination at Rangoon before disembarkation, and that I myself witnessed such a treatment meted out to them on the morning of the 28th April last when the *S. S. Egra* reached Rangoon ? Do Government propose to take any steps in the matter ?

(b) Is vaccination compulsory or optional ? If compulsory, why ? Why are not the deck passengers coming from Burma to India vaccinated on their arrival in Calcutta ?

Mr. G. S. Bajpai : (a) The answer to the first part is in the negative. The Government of Burma have made an enquiry into the particular instance referred to by the Honourable Member and have reported that the passengers were not subjected to treatment which was either exceptional or exceptionable.

(b) Under the Burma Vaccination Law Amendment Act, 1909, as amended by Burma Act IV of 1928, all persons arriving in Burma are liable to be vaccinated if they cannot produce evidence that they are already sufficiently protected against small-pox. This measure is regarded as essential in the interests of public health in Burma, as some of the emigrants may have come from districts infected with small-pox. Vaccination of deck passengers coming from Burma to Calcutta is not compulsory under the regulations issued by the Local Government, presumably because the risk of the import of small-pox infection is small.

Mr. K. C. Neogy : Why does the Honourable Member accept the result of the enquiry held by the Burma Government in preference to the result of the enquiry held by my Honourable friend, Mr. Gaya Prasad Singh ?

Mr. G. S. Bajpai : I am not in possession of the result of the enquiry held by Mr. Gaya Prasad Singh.

Mr. K. C. Neogy : That is what the question refers to.

Mr. G. S. Bajpai : The question does not state that.

Mr. K. C. Neogy : The question says " I myself witnessed ".

Mr. G. S. Bajpai : It is perfectly true. If my Honourable friend very meticulously studied part (a) of the question, he will see that all that the questioner says is in general terms of rough and insulting treatment. That is the statement of the Honourable Member which I communicated to the Government of Burma and they say they have made enquiries and came to the conclusion that no rough and insulting treatment was meted out to them. Unless I am in possession of particulars which came to the notice of my Honourable friend, I am not able to controvert what the Burma Government have said.

Mr. Gaya Prasad Singh : Are Government aware that I received the following telegram from Mr. Ratilal Desai, Secretary, Citizens Public Meeting, Rangoon :

" Crowded Rangoon Citizens public meeting, Presidentship Dr. Dugal. The Corporation President convened 13th August under auspices Burma Provincial Hindu Sabha, Burma Indian Association 17 others for considering steamer passengers' grievances strongly supports your contention regarding overcrowding vaccination hardships other grievances."

Mr. G. S. Bajpai : My Honourable friend's first question was whether I was aware that he had received that telegram. As divination is not one of the attributes of Government, I must answer that part of the question in the negative. As regards the telegram itself, if the Honourable Member will be so good as to communicate a copy of it to me, I shall see whether any action is necessary.

Mr. Gaya Prasad Singh : Are Government aware that in the course of a public meeting of the citizens of Rangoon which was held on 13th August, at the Arya Samaj Hall under the presidency of Dr. R. S. Dugal, a number of resolutions were passed, one of which runs as follows :

" This public meeting begs to bring to the notice of the authorities concerned the scandalous overcrowding in the boats between Rangoon and India and the way in which passengers are huddled together without much regard for privacy and in a most humiliating way. This public meeting urges on Government to take immediate steps in the matter."

Mr. G. S. Bajpai : Well, Sir, I must repeat what I said in answer to the previous supplementary question. Unless the Honourable Member communicates to me the text of these resolutions, it is impossible for Government to be aware of those resolutions. If the Honourable Member will communicate a copy of these resolutions, as I have already promised, we shall see what action can be taken. But I should like to take this opportunity to say that what is referred to in the question is primarily overcrowding which is neither insulting nor rough.

Mr. K. C. Neogy : Sir, on a point of order. As the veracity of an Honourable Member of this House has practically been questioned, will you direct my Honourable friend, the questioner, to make a statement in support of the question which he has asked ?

Mr. President (The Honourable Sir Shanmukham Chetty) : It is always well understood that when an Honourable Member of this House makes a statement, he makes himself responsible for the accuracy of that statement. The Chair does not think there is any question of the veracity of any Honourable Member here being doubted. The Honourable Member, Mr. Gaya Prasad Singh, brings to the notice of Government certain incidents which he witnessed from which he wants the

Government to draw an inference that the passengers were given insulting treatment. On that the Burma Government have made an inquiry and the Honourable Member for Government says that no insulting treatment was meted out to the passengers. There is no question of doubting the veracity of any Honourable Member in those circumstances.

Mr. K. C. Neogy : I wish to point out that what my Honourable friend, Mr. Gaya Prasad Singh, states is that he witnessed certain definite kinds of treatment which appeared to him to be very rough and insulting, and unless he is permitted to make a statement before this House as to what he actually witnessed, it will be very difficult for this House to judge whether the Burma Government are to be believed in preference to my Honourable friend.

Mr. Lalchand Navalrai : On a point of order I should like to ask a question. When an answer is given to a question asserting certain things, are we debarred from putting supplementary questions in order to sift it and satisfy ourselves ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not see how the point of order arises. Does the Honourable Member, Mr. Gaya Prasad Singh, want to make a statement on this ?

Mr. Gaya Prasad Singh : My statement is based on certain incidents which I myself witnessed while I was on board the steamer on the particular dates mentioned in the question, and my statement is borne out by the resolutions which I have received on this subject and which I am going to put in the form of supplementary questions in support of my statement. My question was based on my own observations.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member is quite entitled to ask supplementary questions provided they arise out of the main question. For that there is no ruling required. But the Chair understood Mr. Neogy to raise the point whether Mr. Gaya Prasad Singh would be allowed to make a statement in support of the allegation that he makes in this question, and the Chair is asking the Honourable Member whether he wants the permission of the Chair to make any such statement.

Mr. Gaya Prasad Singh : I am making my statement in the form of supplementary questions and call upon Government to deny it. Are Government aware that deck passengers at the time of vaccination are treated more as suspects and criminals than as *bonâ fide* deck passengers ?

Mr. G. S. Bajpai : No, Sir, Government are not aware of that. And if I may say with reference to what fell from my Honourable friend, Mr. Neogy, a little while ago, it is not the intention of Government or the individual who is speaking on behalf of Government at the present moment to doubt the veracity of what my Honourable friend said. I merely stated that there was a general statement and a general complaint in this. We referred it to the Government of Burma and they said that in fact such a thing did not take place. It is open to the Honourable Member, and I have made the offer to him, to communicate to me the particulars, which he considers, cover this particular statement. It is not necessary, if I may submit to the House, that those statements should be made here as I have undertaken to receive those statements and examine them.

Mr. B. B. Puri : Before those particulars are communicated, I take it that you must be informed as to what actually happened there. Therefore, I should like to know what were the facts from which those conclusions arose which have been put down and incorporated in the question.

Mr. G. S. Bajpai : If the House wishes to have those particulars read out, and you permit that, Sir, I have no objection.

Mr. President (The Honourable Sir Shanmukham Chetty) : In allowing Honourable Members to ask supplementary questions, the Chair must take into consideration the utility of the supplementary questions and the answers given at a particular stage. The Chair thinks that in order that the House may judge whether there is anything in the allegation made by Mr. Gaya Prasad Singh, he ought first to communicate to Government the facts which led him to come to this conclusion and the Honourable Member representing the Government has undertaken to make inquiries if those facts are given to him. So the Chair thinks the proper thing for the Honourable Member to do just now will be to communicate to Government the facts on which he based these conclusions and to put down questions later on after Government have had time to make inquiries. Otherwise if the Honourable Member were to give a catalogue of the incidents, the Government Member's reply would be that if that is communicated to him he will make inquiries ; and the time of the House will be wasted.

Mr. Gaya Prasad Singh : In view of the fact that with regard to one incident, vaccination, exception has been taken by my Honourable friend and a doubt has been cast on the statement which I made, I may be permitted to ask just one supplementary question on it. Are Government aware that in the public meeting to which reference has been made another resolution, which was passed with regard to vaccination, runs as follows and a copy of which I will communicate to the Honourable Member later on :

“ This meeting, while appreciating the principle underlying the Vaccination Act of 1927, brings to the notice of the Government the hardships deck passengers have to undergo in the matter of vaccination immediately on their landing on the wharf and requests that measures be taken to so operate the provisions of the Vaccination Act as would remove the existing hardships and grievances of the passengers and, to achieve this, instruct the Port Health authorities to provide facilities and conveniences which would mitigate the hardships.”

Mr. G. S. Bajpai : I have already said that Government have not received a copy of these resolutions from any source.

Mr. Gaya Prasad Singh : May I know who made that inquiry to which reference has been made in the course of the answer ?

Mr. G. S. Bajpai : The inquiry was made by the Government of Burma from the Assistant Port Health Officer.

Mr. M. Maswood Ahmad : What kind of inquiry ?

Mr. G. S. Bajpai : There has already been a sufficient disquisition on the various kinds of inquiry that can be made.

Mr. Gaya Prasad Singh : Are Government aware that I questioned the doctor who was in charge of vaccination at the time on the wharf with regard to the way in which passengers were compulsorily made to

stand and go about from place to place and roughly handled by some of the peons of the doctor ?

Mr. G. S. Bajpai : No, Sir ; I am not aware of that fact.

Mr. Gaya Prasad Singh : Then why do you deny it ?

Mr. G. S. Bajpai : I have denied nothing and I have affirmed nothing. I only communicated to the Honourable Member the report which I have received from the Government of Burma.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Chair would suggest for the convenience of the House that in future when Honourable Members put down questions relating to incidents which they have themselves witnessed, they would do well, both for their own convenience and for the convenience of this House, that they should, along with the question, send up to Government a full statement of the facts to which the question relates.

Mr. Gaya Prasad Singh : I may explain my position and say that I received these papers from Rangoon only recently.

PRESENT POLITICAL AND ADMINISTRATIVE POSITION OF GILGIT.

64. ***Mr. Gaya Prasad Singh :** What is the present political and administrative position of Gilgit, and what is the amount of money, if any, which is at present spent over it annually by the Government of India ?

Major W. K. Fraser-Tytler : Gilgit proper is a part of the Kashmir State by which it is administered. The Government of India maintain a Political Agent in the Gilgit Agency and also contribute towards the cost of Kashmir State troops stationed in the Agency. The expenditure incurred by the Government of India is being ascertained and will be communicated to the Honourable Member in due course.

Mr. Gaya Prasad Singh : May I request that instead of communicating to me individually, a copy of the paper may be laid on the table ?

Major W. K. Fraser-Tytler : Certainly, Sir.

EXPENDITURE ON THE CHAMBER OF PRINCES FROM THE INDIAN REVENUES.

65. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state if the institution of the Chamber of Princes entails any expenditure to Indian revenues ? If so, how much approximately per year ?

Major W. K. Fraser-Tytler : The answer is in the affirmative and the figure is about Rs. 10,200 a year on an average.

Mr. Gaya Prasad Singh : Are printed copies of the debates which take place in the Chamber of Princes available ?

Major W. K. Fraser-Tytler : I want notice of that question.

Mr. Gaya Prasad Singh : Since India is made to contribute annually to this institution of the Chamber of Princes, will Government kindly take into consideration that printed copies of these proceedings should be made available to the Members of this House as representing the taxpayers of India ?

Major W. K. Fraser-Tytler : I shall be glad to convey the Honourable Member's suggestion to the Department concerned.

Mr. B. B. Puri : Have Government absolutely no information as to what the Princes do inside the Chamber ? When we pay for it, are we not entitled to know something ?

NOMINATION OF THE MEMBERS OF THE LEGISLATIVE ASSEMBLY TO THE JOINT PARLIAMENTARY COMMITTEE.

66. ***Sardar Sant Singh :** (a) Will Government be pleased to state if it is a fact that Members of the Legislative Assembly nominated to the Joint Select Committee of Parliament made applications for being so nominated ? If so, when were such applications invited ?

(b) If the answer to part (a) be in the negative, is it a fact that representations either oral or in writing were made by the candidates for such nomination putting forward their claims ? If so, will Government be pleased to state what was the nature of such representation by each candidate ?

(c) Were there any cases where such representations were rejected ? If so, in whose case ?

(d) Is it a fact that Government received letters of thanks from any or all of the nominees for having been so nominated ? In case Government as such received no letter of thanks, is it a fact that any Honourable Member of the Government of India received such letter or letters ? If so, will Government be pleased to lay a copy of those letters on the table of the House ?

The Honourable Sir Joseph Bhoré : With your permission, Sir, I propose to reply to questions Nos. 66 and 67 together.

It is possible that the Honourable Member is under a misapprehension regarding the procedure followed in the nomination of Indian representatives to sit with the Joint Select Committee. Power was given to the Committee by the Resolution appointing it to call into consultation representatives of the Indian States and of British India. The choice of such representatives was for the Committee itself alone. As stated by the Secretary of State in the House of Commons on the 7th March, 1933, he had some informal correspondence with His Excellency the Viceroy on the subject of the selection of delegates but no commitments were made which might embarrass the liberty of action of the Committee. There was no question of applications being invited or received or in any way dealt with by the Government of India.

Mr. M. Maswood Ahmad : Will Government be pleased to say what was the difficulty in sending elected representatives of this House to the Joint Parliamentary Committee and to the Statutory Railway Board and Reserve Bank Committees ?

The Honourable Sir Joseph Bhoré : As regards the representatives sent to the Joint Parliamentary Committee, my friend should address his question to the Joint Parliamentary Committee and not to me.

Mr. K. C. Neogy : Is it not a fact that the persons selected were informed by Government or by responsible officers of Government about the fact of their having been selected long before the Joint Parliamentary Committee ever met and had an opportunity of formally considering

these selections : and is it not also a fact that accommodation had actually been secured for these members in the P. & O. boats by Government in anticipation of their voyage to England ?

The Honourable Sir Joseph Bhoré : My Honourable friend will realise that I am not in a position, since I did not deal directly with this matter, to give him a definite reply, and I shall, therefore, have to ask for notice of that question.

Mr. K. C. Neogy : You will have it.

Sardar Sant Singh : May I request the Honourable Member to explain whether the names of the persons who were subsequently sent to the Joint Select Committee did not originate from the Government of India ?

The Honourable Sir Joseph Bhoré : I have dealt with that question in my answer. My answer was that there was no question of applications being invited or received or in any way dealt with by the Government of India.

Sardar Sant Singh : How did the Government of India decide whom to recommend as members of the Joint Parliamentary Committee ?

The Honourable Sir Joseph Bhoré : I have explained to the Honourable Member that the Government of India made no recommendations whatsoever.

Sardar Sant Singh : Am I to understand then that the members of the Joint Parliamentary Committee knew the names of all the members of the Indian Legislature who were subsequently sent there ?

The Honourable Sir Joseph Bhoré : May I ask the Honourable Member to listen to my answer ? I said that there was undoubtedly informal correspondence between the Secretary of State and His Excellency the Viceroy.

Mr. K. C. Neogy : Do I take it that the Honourable Member denies having ever had any share in the selection, formal or otherwise, of these members personally ?

The Honourable Sir Joseph Bhoré : I certainly have had no direct voice in the selection of these members.

Mr. K. C. Neogy : I did not mean direct voice : did the Honourable Member have any hand at all in the selection or in the determination of the choice of the representatives ?

The Honourable Sir Joseph Bhoré : I cannot claim that I had.

Mr. M. Maswood Ahmad : Is it a fact that this House has not been given a chance to send its representatives to attend the Statutory Railway Board Committee ?

The Honourable Sir Joseph Bhoré : That is dealt with in the next question.

Mr. K. C. Neogy : Was the Honourable Member ever approached by any individual non-official Member of this House for the purpose of securing his good offices in regard to this matter ?

The Honourable Sir Joseph Bhore : Does the Honourable Member refer to me personally ? If so, to the best of my recollection.....

Mr. President (The Honourable Sir Shanmukham Chetty) : No question can be addressed to a Member of the Government except in his capacity as Member of the Government.

Mr. K. C. Neogy : Exactly : as a Member of the Government, not as Sir Joseph Bhore.

The Honourable Sir Joseph Bhore : To the best of my recollection, no.

Mr. Jagan Nath Aggarwal : What about the letters of thanks ?

The Honourable Sir Joseph Bhore : I said we have received no letter of thanks.

Sardar Sant Singh : With reference to question No. 67, I want to know whether the facts mentioned in the question, that the full text of the speech of a particular Member was cabled to the Secretary of State and then the Secretary of State changed his view and accepted his nomination, are correct ?

The Honourable Sir Joseph Bhore : I certainly have no information on that point whatsoever.

Mr. K. C. Neogy : With reference to the statement made by my Honourable friend that there was some informal consultation between the Secretary of State and the Viceroy in this matter, may I know if there was any informal consultation between the Viceroy on the one hand and my Honourable friend on the other ?

The Honourable Sir Joseph Bhore : That, Sir, I am not in a position to say anything about.

Mr. Gaya Prasad Singh : You are not in a position to deny either ?

The Honourable Sir Joseph Bhore : I am not in a position to disclose any matters regarding the Executive Council.

Mr. Gaya Prasad Singh : May I know if the selection of delegates took place soon after the Ottawa betrayal agreement was discussed in this House ?

The Honourable Sir Joseph Bhore : My Honourable friend is aware of the dates concerned.

NOMINATION OF THE MEMBERS OF THE LEGISLATIVE ASSEMBLY TO THE JOINT PARLIAMENTARY COMMITTEE.

†67. ***Sardar Sant Singh :** Is it a fact that certain recommendations for nomination by the Government of India to the Joint Select Committee of Parliament were turned down by the Secretary of State on the ground that the person nominated was not considered ' safe ' ? Is it also a fact that the Government of India cabled the full text of the speech of the so-called ' unsafe ' nominee to explain or to convince the Secretary of State that the gentleman nominated was quite ' safe ' and that it was only then that the recommendation of the Government of India was accepted ?

†For answer to this question, see answer to question No. 66.

QUALIFICATIONS OF MEMBERS NOMINATED TO THE RESERVE BANK AND
STATUTORY RAILWAY BOARD COMMITTEES.

68. ***Sardar Sant Singh :** Will Government be pleased to state the academic as well as commercial qualifications of those Honourable Members who are nominated to the Committee of the Reserve Bank and to the Committee of the Statutory Railway Board ?

The Honourable Sir Joseph Bhoré : The Honourable Member is under a misapprehension in speaking of a committee of the Reserve Bank or a committee of the Statutory Railway Board. No committee was formed to deal with either subject. As announced in a communiqué of the 25th April last His Majesty's Government invited certain Members of the Indian Legislature to attend discussions in London on the Reserve Bank and Statutory Railway Board preliminary to formulating precise proposals under each head. The essential qualification of those invited was that they should be Members of the Indian Legislature. It appears to have been the intention of His Majesty's Government to take Members representative of the more important Parties and Groups in the Legislature.

Mr. M. Maswood Ahmad : Is it a fact that they attended the meeting in their private capacity or as representatives of the Assembly ?

The Honourable Sir Joseph Bhoré : I do not know that I can describe their attendance as being in their private capacity : they were asked and invited to go because they happened to be Members of the Assembly.

Mr. M. Maswood Ahmad : Do Government take them as representatives of this House ?

The Honourable Sir Joseph Bhoré : Does my Honourable friend mean to cast doubt upon the representative character of the elected Members who sit in this House ?

Mr. M. Maswood Ahmad : I said " representatives of this House ", not representatives of the people of India : no doubt they are representatives of the people of India ; but I want to know whether they attended the meeting in their capacity as representatives of this House and whether they were invited as such.

The Honourable Sir Joseph Bhoré : I have made it quite clear that they were invited as being Members of the Indian Legislature.

Mr. M. Maswood Ahmad : What was the trouble in giving a chance to the Assembly to elect their representatives to attend these meetings ?

The Honourable Sir Joseph Bhoré : I do not think in cases like these election is the best way of securing the best representation of all important interests in the House.

Mr. K. C. Neogy : In so far as the question of the Statutory Railway Authority relates to the Department of which my Honourable friend is in charge, will he state whether he had any voice, or whether he was consulted at any stage by anybody either here or in England, with regard to the choice of these members ?

The Honourable Sir Joseph Bhoré : I must refuse to give any reply to such questions, because any reply that I might give would be disclosing information which I am not in a position to disclose to the House or to anybody else.

Mr. K. C. Neogy : Were the Government of India as a whole consulted in regard to this matter ?

The Honourable Sir Joseph Bhoré : I must ask for notice of that question.

Mr. Lalchand Navalrai : Might I know from the Honourable Member if the respective parties in the House were consulted with regard to the nomination of the members who are considered representative ?

The Honourable Sir Joseph Bhoré : To the best of my recollection, the majority of those invited sit on the front benches of this House, and I think that that is a sufficient justification for the invitation extended to them.

Mr. K. C. Neogy : Is it also a fact that some of them consistently vote with the Government ?

Mr. Gaya Prasad Singh : Are Government aware that whatever decisions these gentlemen will arrive at will not be binding as representing the voice either of this House or of the country outside ?

The Honourable Sir Joseph Bhoré : I am quite aware of that, Sir.

Mr. Lalchand Navalrai : May I know if those Members who sit on the front benches are considered sufficiently representative even to be sent to Committees, and not the other Members ?

12 Noon.

The Honourable Sir Joseph Bhoré : My friend is asking me to pronounce between the respective merits of different individuals in this House. My reply to him must be of that of the examinee at the theological examination who, being asked to give a list of the major and the minor prophets, replied " far be it from me to decide between these holy men ".

Mr. S. C. Mitra : May I know when did the Government of India come to the decision that the elective system has ceased to secure proper representation in this House ?

The Honourable Sir Joseph Bhoré : I assume that when parties in this House elect from among themselves individuals to sit on the front benches, Government may take that as the best indication of the trust and confidence which the parties have in the individuals concerned.

Mr. S. C. Mitra : Every Member who was selected was not a front bencher ?

The Honourable Sir Joseph Bhoré : I said, Sir, the majority.

Mr. S. C. Mitra : What about the minority ?

The Honourable Sir Joseph Bhoré : If my friend is referring to minorities, I will say that Mr. Joshi who, at any rate in Delhi, does not sit exactly on the front bench was also invited. He represents a minority interest.

Mr. S. C. Mitra : You said the majority of the Members who sit on the front benches were selected ; but what about those who do not sit on the front benches and yet they were selected ? Was it for voting with the Government ?

The Honourable Sir Joseph Bhoré : I did not select them.

Mr. S. C. Mitra : Who was responsible for their selection ? Why did you select those who do not sit on the front benches ? What was the criterion by which you made the selection of such people ?

The Honourable Sir Joseph Bhoré : My friend must address that to the authority who was responsible for their actual selection.

Mr. Lalchand Navalrai : May I know from the Honourable Member if he said that all those who were selected were sitting on the front benches ?

The Honourable Sir Joseph Bhoré : I thought I said the majority of those who were invited occupied seats on the front benches.

Mr. Lalchand Navalrai : Why was the minority taken from the back benches ?

Mr. Amar Nath Dutt : Is it a fact that there is a warrant of precedence among the Members sitting on this side ? Have the Government framed any warrant of precedence for the Members of this House ?

The Honourable Sir Joseph Bhoré : They have no warrant of precedence, but I think that leaders of parties are always accorded some preferential treatment in consultation on matters of public interest.

Mr. B. B. Puri : May I know why this extraordinary solicitude was shown to this Legislature on this particular occasion ?

The Honourable Sir Joseph Bhoré : Does my friend object to the solicitude shown to it ?

Mr. B. B. Puri : I object, because on more important matters the position of this Legislature had not been recognised, and, therefore, I want to know why this special recognition was shown on this occasion with regard to this particular subject ?

The Honourable Sir Joseph Bhoré : I shall certainly bear my friend's point of view in mind in future.

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhoré (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business for the week beginning Monday, the 28th August. You have already directed that in that week the House shall sit for Government business on the 28th and 30th August, and the 1st September.

On Monday, two motions will be moved for the election of members to the Committees attached to the Department of Commerce and the Department of Industries and Labour.

Thereafter, leave will be asked to introduce the following Bills :

- (1) A Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, and
- (2) A Bill further to amend the Cotton Textile Industry (Protection) Act, 1930.

Thereafter, Government will give time for Mr. S. C. Mitra's motion for leave to amend Standing Order 17 of the Legislative Assembly Standing Orders.

On the conclusion of the above business, the following legislative programme will be brought forward.

The business unfinished on yesterday's list will be taken up in the order shown on the combined agenda for the 22nd and 23rd instant.

A motion will then be made to circulate the Indian Petroleum Bill for eliciting opinion. Thereafter, a motion will be moved for referring the Indian Income-tax (Third Amendment) Bill to a Select Committee. These two Bills were introduced on Tuesday last.

This business will be followed by motions to take into consideration and pass :

- (1) The Indian Wireless Telegraphy Bill, as reported by the Select Committee,
- (2) The Land Acquisition (Amendment) Bill, as reported by the Select Committee, and
- (3) The Murshidabad Estate Administration Bill.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I lay on the table :

- (i) the information promised in reply to starred question No. 941 asked by Mr. N. M. Joshi on the 27th March, 1933 ; and also
- (ii) the information promised in reply to part (b) of starred question No. 987 asked by Mr. Nabakumar Sing Dudhoria on the 28th March, 1933.

NON-MAINTENANCE OF THE RECORD OF POOR BOX COLLECTIONS MADE ON VARIOUS SHIPS BY THE SHIPPING OFFICE, BOMBAY.

*941. (a) A regular record is maintained, but it is not practicable to record the individual collections of each ship. The collections are placed in the safe and locked in a cash box in the presence of a gazetted officer. The amounts when large enough are counted in the presence of the Shipping Master and paid into the Imperial Bank of India.

(b) The present Shipping Master recently made an enquiry into the system in force in regard to the crediting of poor box collection.

(c) The Assistant Shipping Master and the Cashier have been responsible for the work.

(d) No. The procedure is as stated in the reply to part (a) of this question.

(e) The Shipping Master has decided to stop temporarily all poor box collections as the interest on the amount standing to the credit of the Distressed Seamen's Fund is now sufficient to meet the expenditure in connection with the relief of distressed seamen. Government do not consider that any further action is necessary at present.

ABOLITION OF THE APPOINTMENTS OF THE DEPUTY AND ASSISTANT SHIPPING MASTERS IN CALCUTTA.

*987. (b) (i) The duty of the Superintendent, Continuous Discharge Certificate Department, was to superintend the work of that Department under the supervision of the Assistant or Deputy Shipping Master. The present Assistant Shipping Master holds charge of the Branch Shipping Office and, apart from his administrative functions, his duties are to issue Continuous Discharge Certificates of all types, to investigate cases of fraud in connexion with these documents, and to impose penalties or prosecute offenders. He also acts for the next senior official when occasion arises.

(ii) The average daily number of new, duplicate and higher issue continuous discharge certificates issued during 1922-23, when the post of Superintendent existed, was 40. Since the creation of the post of Assistant Shipping Master, the average has been 26.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table—

- (i) the information promised in reply to starred question No. 315 asked by Mr. Muhammad Muazzam Sahib Bahadur on the 9th February, 1933 ;
- (ii) the information promised in reply to starred question No. 746 asked by Mr. Rameshwar Prasad Bagla on the 13th March, 1933 ; and
- (iii) the information promised in reply to starred question No. 1017 asked by Mr. Muhammad Anwar-ul-Azim on the 28th March, 1933.

REMOVAL OF THE SORTING OFFICE TO THE MADRAS GENERAL POST OFFICE BUILDING.

*315. (a) Government have seen the article.

(b) Yes, the transfer of the sorting department to the same building as the other departments of the General Post Office is expected to be conducive both to substantial economies and increased efficiency.

(c) Presumably the Honourable Member wished to know the floor space available for each branch of the sorting department. This is as follows :

	Sq. ft.
Parcel branch	1,625
Registered letter, Registered packet and ordinary letter branches	2,911

(d) 151. According to departmental standards a floor area of 5,840 sq. ft. is justified.

(e) Yes, it is short by 1,300 sq. ft. in the aggregate.

(f) The building was constructed by the Madras and Southern Mahratta Railway for the Posts and Telegraphs Department. A monthly rent of Rs. 384-15-1 is paid to the Railway.

(g) Yes, for an additional rent of Rs. 295 a month.

(h) Yes.

(i) There is no lease.

(j) Yes.

(k) Yes, but possibly by a re-distribution of departments it may be located on the first floor.

(l) 12 ft.

(m) 32 ft. by 50 ft.

(n) No.

(o) The description of the location of the hall it is proposed to use and the condition in which work is conducted in the surrounding departments as stated by the Honourable Member is not accurate. Artificial light is necessary for certain periods of the day only. Fans are installed throughout the building.

(p) Yes.

(q) No. The staff of the Postal Stock Depot was considerable and in the adjoining portion other departments have worked for years without ill effects.

(r) No structural alterations are contemplated.

(s) and (t). The ground floor is not a basement. The Executive Engineer, North Presidency Division, and the Architect to the Government of Madras who were consulted are of opinion that the changes which it is proposed to make are quite feasible.

(u) Government do not consider this necessary.

(v) No apprehensions of such results are felt.

(w) There is no reason whatever for imputing this policy to Government.

(x) Yes. Government see no reason to forbid an examination of the proposal.

RETRENCHMENT IN THE AMRITSAR HEAD POST OFFICE.

*746. (a) The fact is that three Hindus and two Muslims were retrenched out of 26 Hindus, 43 Muslims and six Sikhs in the cadre of postmen and the communal ratio existing before the retrenchment was thereby slightly disturbed.

(b) Yes.

(c) One Hindu was retrenched in excess of the communal ratio through a misunderstanding of the orders on the subject. The Retrenchment Board was formed of officers holding certain specified posts and not on a strictly communal basis.

(d) The Postmaster-General has since ordered the reinstatement of the Hindu retrenched in excess of the communal ratio. Government do not propose to order the constitution of Retrenchment Boards on a communal basis.

GRIEVANCES OF THE MUSLIM STAFF OF THE QUETTA HEAD POST OFFICE.

*1017. (a) No. The request for an interview came explicitly from the Muslim Union in a letter from that body, dated the 14th September 1932.

(b) No. Though unable to comply with the request in the letter just referred to the Director gave interviews freely to individual Muslim members of the staff.

(c) and (d). Do not arise.

The Honourable Mr. A. H. Lloyd (Finance Member) : Sir, I lay on the table—

(i) the information promised in reply to starred questions Nos. 968 to 973 asked by Khan Bahadur H. M. Wilayatullah on the 28th March, 1933 ; and

(ii) the information promised in reply to starred question No. 1204 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 10th April, 1933.

CONSTITUTION OF THE OFFICE OF THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

*968. (a) The existing constitution is shown below :—

(i) Accountant-General	..	..	..	..	1
(ii) Assistant Accounts Officer	..	..	..	..	1
(iii) Accountants	..	..	..	..	6
(iv) Upper Division Clerks	..	..	..	..	44
(v) Stenographer	..	..	..	..	1
(vi) Typists	..	..	..	..	3
(b) Yes.					

(c) Yes. The Accountant-General, Posts and Telegraphs, is not an original audit officer but an administrative and final accounting authority, a technical adviser to the Director-General, Posts and Telegraphs, and also has appellate powers in cases of appeals from the orders of his deputies on audit points : the work in his office cannot be compared with that of any of the five subordinate offices under his control. The work in the office of the Accountant-General, Posts and Telegraphs, justifies the existing staff of Gazetted Officers.

STRENGTH OF THE NON-GAZETTED STAFF IN THE OFFICE OF THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

*969. No precise formula has been or can be devised for determining the non-gazetted strength of the office for the reasons given in the reply to (c) of the previous question. The staff is calculated on the estimated amount of the different kinds of work to be done based on past statistics as in the case of other administrative and Secretariat offices of Government.

ABOLITION OF THE OFFICE OF THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

*970. (a) It is not within the knowledge of Government that any officer of the Indian Audit and Accounts Service has made this statement. The office is a very necessary one.

(b) Government consider that the abolition of the office of the Accountant-General, Posts and Telegraphs, is wholly impracticable.

ACCOUNTANTS IN THE POSTS AND TELEGRAPHS ACCOUNT AND AUDIT OFFICES.

*971. The question of the localisation of the Accountants' cadre is still under the consideration of Government. No specific provision is necessary for adequate representation of minority communities. The general orders of the Government of India on the subject, which are followed by all offices of accounts and audit, are applicable also to the Posts and Telegraphs Audit Offices.

REPRESENTATION OF MINORITY COMMUNITIES IN THE OFFICES OF THE ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS.

*972. (a) The orders mentioned are those of the Government of India.

(b) The questions do not arise in this connection because the orders quoted by the Honourable Member do not apply to departmental promotions : they apply only to initial recruitment and there was no fresh recruitment in 1932 either for substantive or officiating vacancies.

**APPOINTMENT OF THE ASSISTANT IN CHARGE OF THE ADMINISTRATION
BRANCH IN THE OFFICE OF THE DEPUTY ACCOUNTANT-GENERAL, POSTS
AND TELEGRAPHS, DELHI.**

*973. The appointment of Superintendent, Record, is made by the Deputy Accountant-General, Posts and Telegraphs, Delhi, who selects a suitable member of the Upper Division cadre, with due regard to his experience, length of service, and aptitude for administrative work.

**POST OF THE PERSONAL ASSISTANT TO THE ACCOUNTANT-GENERAL, POSTS
AND TELEGRAPHS.**

*1204. (a) No.

(b) Does not arise.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table—

- (i) the information promised in reply to a supplementary question to starred question No. 509 asked by Mr. M. Maswood Ahmad on the 25th February, 1933 ; and
- (ii) the information promised in reply to unstarred question No. 170 asked by Mr. Goswami M. R. Puri on the 1st April, 1933

CIVIL HOSPITAL, DELHI.

*509. Under the rules at present in force the following inclusive charges are levied from paying patients in the Civil Hospital, Delhi :—

For a large room ..	Rs. 2 per day.
For a small room ..	Rs. 1 per day.

ENHANCEMENT OF WATER TAX IN THE TIMARPUR QUARTERS, DELHI.

170. There are four types of quarters at Timarpur, B, C, D and E. B type quarters are metered. No representation has been received from the occupiers of the C and D type quarters for reduction in water charges. The occupiers of E type quarters have made a representation which is at present under the consideration of the Notified Area Committee. No representation has been made to the Chief Commissioner. The discontent has apparently arisen from the fact that in New Delhi the tax charged on an E type quarter is Rs. 1-8-0 per mensem against Rs. 2-8-0 charged in Timarpur. Previous to January, 1933, the Public Works Department charged water rate at Rs. 1-8-0 per mensem irrespective of pay, type of quarter and area. The Notified Area Committee, who have now taken over the collection of water rate charges, have increased the charge to Rs. 2-8-0 per mensem. This rate has been fixed after taking into consideration the average cost of water consumed in such quarters.

It is not true to say that in the New Delhi Municipality only one rupee per tap per mensem is charged for a continuous daily supply of 24 hours.

Mr. P. E. Rau (Financial Commissioner, Railways) : Sir, I lay on the table the information promised in reply to starred question No. 1092 asked by Mr. Uppi Sahib Bahadur on the 1st April, 1933.

INDENTS PLACED BY THE GREAT INDIAN PENINSULA

*1092. Statement showing indents of the value of Rs. 5,000 and above with immediate Department during the period 1st April, 1932

A	B	C	D	E
Number and date of indent.	The Officer who indented.	Names of the articles and stores indented.	Quantity of the stores indented.	Firms from which such stores were purchased.
1	2	3	4	5
1. I.S.D./Elect./1932/76 of 29-4-1932.	Controller of Stores, G. I. P. Rly., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Rly., Parel, Bombay.	One set of 90 lead acid cells complete.	1 set of 90 cells.	1 set of 45 cells from Messrs. J. Stone & Co. (India), Ltd., Bombay. 1 set of 45 cells from Messrs. Chloride Electrical Storage, Ltd., Bombay.
2. I.S.D./E.A. 1/1932/2 of 29-4-1932.	Controller of Stores, G. I. P. Rly., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Rly., Parel.	Axles, cranked for J/1 type engines. Axles, cranked for N/1 type engines.	3 2	Messrs. Wright Pinhorn & Partners, Ltd., Simla. Messrs. Healy & Gresham, Ltd., Calcutta.
3. I.S.D./Elect./1932/80 of 11-5-1932.	Controller of Stores, G. I. P. Rly., Parel.	Sections, negative, for Lux RTG-9 accumulators. Sections, negative, for Lux RTG-7 accumulators. Sections, positive, for Lux RTG-7 accumulators. Sections, positive, for Lux RTG-5 accumulators. Sections, positive, for Lux RTG-9 accumulators.	72 180 180 84 80	Messrs. Chloride Electrical Storage Co. Do. Do. Do. Do.

RAILWAY WITH THE INDIAN STORES DEPARTMENT.

delivery terms placed by the Great Indian Peninsula Railway on the Indian Stores to 28th February, 1933.

F	G	H	I	J
The rates at which the materials were purchased.	The lowest quotation received for such articles for forward delivery.	The reasons for such articles being indented with immediate delivery terms and why earlier indents could not be sent in such cases.	The extra cost involved on each of such indents.	Remarks.
6	7	8	9	10
Rs. a. p.	Rs. a. p.		Rs. as. p.	
3,591 14 6 per set of 45 cells. 3,600 0 0 per set of 15 cells.	3,591 14 6 per set of 45 cells.	The indent was marked "Immediate" as these cells were required for the cooking equipment of the "Deo-can Queen". The lowest quotation was submitted by Messrs. J. Stone & Co. @ Rs. 7,183-13-0 per set of 90 cells. As however it was found desirable to get experience and see if a better life can be obtained with Exide iron-clad cells offered by the Chloride Electrical Storage Co., Ltd., at a slightly higher rate, the order was split up between the two tenderers.	8 1 6	
1,580 0 0 each.	As accepted ..	The indent for these axles was marked urgent as the stock of these was exhausted due to heavy demands. Engines taking these axles were in the shops for repairs and it was noticed that the existing axles were near to condemning sizes, and it was also anticipated that future consumption was likely to be excessive.	Nil.	Orders were placed with the lowest tenderer. The demand could not be advertised owing to urgency. Tenders were issued to 17 firms out of whom 11 quoted.
1,614 0 0 each.	Do. ..			
27 8 0 each. 22 4 0 each. 37 12 0 each. 30 5 0 each. 35 0 0 each.	Do. ..	Stocks were suddenly depleted owing to unforeseen abnormal demands.	Nil.	These were required for stock, and are proprietary articles obtainable only from Messrs. Chloride Electrical Storage Co.

A	B	C	D	E
Number and date of indent.	The Officer who indented.	Names of the articles and stores indented.	Quantity of the stores indented.	Firms from which such stores were purchased.
1	2	3	4	5
4. I.S.D./Elect./1932/185 of 8-8-1932.	Controller of Stores, G. I. P. Rly., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Rly., Parel.	Electrically driven pumps and air compressors for filtration plant in Kalyan yard:— (i) Pumping sets complete—Item (i). (ii) Starters—Item (ii) .. (iii) Accessories—Item (iii). (iv) Suctions valves 8" dia.—Item (iv). (v) Strainer & foot valve 8" dia.—Item (v). (vi) Reflux valve 8" dia.—Item (vi). (vii) Air compressor complete—Item (vii). (viii) Starters—Item (viii). (ix) Accessories.	2 2 2 2 2 2 2	Messrs. Harland Engineering Co., Calcutta.
5. I.S.D./Elect./1932/178 of 9-8-1932.	Controller of Stores, G. I. P. Rly., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Rly., Parel.	Electrically driven air compressor for Matunga Shops:— Self-lubricating direct coupled two stage air compressor—Item (i). SXA English Elec. Co.'s incoming transformer Pillar—Item (ii). SXA English Elec. Co.'s feeder pillar—Item (iii). Iron-clad main distribution board—Item (iv).	1 1 1 1	Messrs. Indestro Trading Co., Bombay. Messrs. English Electric Co., Bombay. Do. .. Messrs. Johnson & Phillips, Bombay.
6. I. S. D./E. B.-2/1932/4 of 14-10-1932.	Controller of Stores, G. I. P. Rly., Parel on behalf of the Chief Mechanical Engineer, G. I. P. Rly., Parel.	Wheels, spur, solid, for axles of motor bogies of Electric Suburban Stock.	25	Messrs. Alfred, Wiseman, Ltd., Birmingham.

F The rates at which the materials were purchased. 6	G The lowest quotation received for such articles for forward delivery. 7	H The reasons for such articles being indented with immediate delivery terms and why earlier indents could not be sent in such cases. 8	I The extra cost involved on each of such indents. 9	J Remarks. 10
<p>Rs. a. p.</p> <p>634 0 0 per set. 408 0 0 each. 89 12 0 each. 89 12 0 each. 219 8 0 each. 137 0 0 each. 861 0 0 each. 183 0 0 each. 525 0 0 lot.</p>	<p>Rs.</p> <p>1,254</p> <p>555</p>	<p>This indent was submitted with immediate delivery terms as the work for which these stores were required had to be completed before 31-3-33 and the time required for their manufacture and importation had also to be taken into consideration.</p>	<p>Rs. a. p.</p> <p>648 0 0</p> <p>898 0 0</p>	<p><i>Items (i) to (vi).—</i>The lowest tender was rejected as it did not comply with specifications. <i>Items (vii) & (viii).—</i>The lowest tender was rejected as it did not fully comply with requirements.</p>
<p>8,019 0 0 each.</p> <p>1,760 0 0 each. 2,055 0 0 each. 2,220 0 0 each.</p>	<p>The lowest suitable tender was accepted.</p> <p>As accepted</p>	<p>This indent was marked immediate as the work for which these stores were required had to be completed by 31-3-33 and the time required for manufacturing the plant to this Railway's specification and importing them had also to be taken into consideration.</p>	<p>..</p>	<p><i>Item (i).—</i>Indestro Trading Co.'s was the third lowest tender which was accepted for Rs. 8,019 (including Rs. 614 or spares). The lowest tender was Rs. 5,760 (excluding spares) but was rejected as it did not fully comply with requirements.</p>
<p>£23 10 0 each.</p>		<p>The indent was marked urgent as the stock of these wheels had been exhausted owing to the unforeseen failure of a number of these in service. The time required to manufacture and import them was also taken into consideration.</p>	<p>..</p>	<p><i>Items (ii) & (iii).—</i>Single tenders were obtained for both items as duplicate sets of those already in service were indented for. The purchase was arranged by the Director General, India Store Department, London to whom the Indent was transferred.</p>

A	B	C	D	E
Number and date of indent.	The Officer who indented.	Names of the articles and stores indented.	Quantity of the stores indented.	Firms from which such stores were purchased.
1	2	3	4	5
7. G.B.-4-32-207 of 4-11-1932.	Controller of Stores, G. I. P. Ry., Parel on behalf of the Dy. Chief Engineer, Bridges, Manmad.	Angles, M. S. 6" × 6" × 3/4" × 33' 8" long. Angles M. S. 6" × 6" × 3/4" × 25' 0" long. Angles M. S. 6" × 6" × 1/2" × 20' 3" long. Angles M. S. 6" × 6" × 5/8" × 33' 8" long. Angles M. S. 6" × 6" × 5/8" × 20' 3" long. Angles M. S. 6" × 3 1/4" × 1/2" × 53' 8" long.	No. T. C. 24 10-7 11 app. 3-11 24 app. 6-5 24 app. 8-6 24 app. 5-5 12 app. 6-8 app.	Messrs. Osman Chotani & Co., Bombay.
8. G.B.-4-32-209 of 4-11-1932.	Controller of Stores, G. I. P. Ry., Parel on behalf of the Dy. Chief Engineer, Bridges, Manmad.	Plates, M. S. 35" × 1/2" × 20' 0" long. Plates, M. S. 19" × 1/2" × 20' 0" long. Plates, M. S. 14" × 1/2" × 40' 6" long. Plates, M. S. 29" × 1/2" × 30' 0" long. Plates, M. S. 29" × 1/2" × 12' 0" long.	Nos. T. C. 12 9-11 18 7-14 27 17-9 12 7-19 24 6-7	Messrs. Osman Chotani & Co., Bombay.
9. F. 33-6 of 30-1-1933.	Controller of Stores, G. I. P. Ry., Parel on behalf of the Chief Engineer, G. I. P. Ry., Bombay.	Salt glazed stone ware pipes, 15" dia.	2,407 R. Ft.	Messrs. The Perfect Pottery Co., Ltd., Jubbulpore.
10. F. 33-7 of 30-1-1933.	Do. ..	Pipes, cast iron, straight, spigot and socket ends 6" dia., 9 ft. long.	360 Nos.	174 pipes 12 ft. from Messrs. Richardson & Cruddas, Bombay 128 pipes 9 ft. from Messrs. The Bengal Iron Co., Calcutta.

F	G	H	I	J
The rates at which the materials were purchased.	The lowest quotation received for such articles for forward delivery.	The reason for such articles being indented with immediate delivery terms why earlier indents could not be sent in such cases.	The extra cost involved on each of such indents.	Remarks.
6	7	8	9	10
Rs. a. p.	Rs. a. p.		Rs. as. p.	
6 8 0 per cwt. 6 8 0 per cwt. 6 8 0 per cwt. 6 8 0 per cwt. 6 8 0 per cwt.	As accepted ;	Stores indented were urgently required for the completion of the Bridge renewal work on the Dina Jhansi Section. Delay in supplies would have meant a cessation of work and the completion to programme as laid down would have been jeopardised.	Nil.	
9 8 1	7 1 1		312 0 0	Order was originally placed on the lowest tenderer. But owing to his non-compliance in time, it was cancelled and another placed at a higher rate. The possibility of recovering the difference in price from the defaulting contractor was considered but owing to the fact that delay was caused by the ship overhauling the stores to Karachi instead of delivering them at Bombay it was decided not to penalise the first contractor.
8 4 0 per cwt. 8 4 0 per cwt. 8 4 0 per cwt. 8 4 0 per cwt. 8 4 0 per cwt. 2 12 0 per R. Ft.	7 7 1 per cwt. As accepted ..	Stores indented were urgently required for the completion of the Bridge renewal work on the Bina-Jhansi Section. Delay in supplies would have meant a cessation of work and the completion to programme as laid down would have been jeopardised. The indent was marked immediate as the stores were urgently required for the completion of the Gwalior Drainage Scheme and the Gwalior Durbar was pressing for an early completion of the work. Ditto.	154 3 1 124 5 2 281 11 11 128 5 9 102 8 5	The order was placed with the lowest tenderer.
5 10 0 per cwt. 6 4 0 per cwt.	The lowest suitable tenders were accepted.			Orders were placed with two firms who offered to supply from stock. The lowest tenderer offered pipes cast horizontally which were not acceptable and quoted 8 weeks delivery.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The House will now resume consideration of the following motion moved by Mr. C. S. Ranga Iyer on the 24th March, 1933 :

“ That the Bill to remove the disabilities of the so-called depressed classes in regard to entry into Hindu temples be circulated for the purpose of eliciting opinion thereon by the 30th July, 1933, and the amendment moved thereto by Pandit Ram Krishna Jha that the Bill be circulated amongst the heads of the Religious Institutions, secular heads, trustees or administrators of the village temples in consultation with the Hindu villagers and Collectors of Districts for ascertaining the opinion of lay people likely to be affected by this Bill and not amongst the Arya Samajists, the Brahmos and Hindu Mahasabaites who have no faith in temple worship.”

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : On a point of order, Sir. If you will kindly look at the list of business, you will see that the Bill was to be circulated and opinions were to be elicited by the 30th of July, 1933, which date has now elapsed. Are we in order to discuss this motion now, because if we pass this Resolution now opinions will be received long after the 30th of July, which was the date mentioned in the original motion. So are we in order to discuss this matter now, as the date is past ?

Mr. President (The Honourable Sir Shanmukham Chetty) : It is really a matter of procedure. The Honourable Member will himself observe that there are various amendments on the paper in which more suitable dates are given, and, at the time when the question is put, it will be for the House to decide as to what date they should decide upon. It does not arise at this stage.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : I have given notice of two amendments, one for the purpose of eliciting opinion thereon by the 31st December, 1934, and the other by the 30th June, 1934. Before I move any of these, I should like to know from the Honourable the Home Member whether he is prepared to support my first amendment. I want 31st December, because I want the discussion to take place at Delhi as the attendance at Simla is always very thin and the subject is very important.

The Honourable Sir Harry Haig (Home Member) : Does the Honourable Member want me to make a statement now on behalf of the Government before there has been any debate on this point ?

Pandit Satyendra Nath Sen : I want that the next stage of discussion should be taken up at Delhi and not at Simla. That is my intention in specifying the date as 31st December ; otherwise it will come up next August at Simla.

Mr. President (The Honourable Sir Shanmukham Chetty) : What exactly does the Honourable Member want ?

Pandit Satyendra Nath Sen : I wish to know whether I will get support from the Government for my first amendment ; if so, I will move the first amendment ; otherwise I will move the second one.

An Honourable Member : You take your own chance.

Mr. President (The Honourable Sir Shanmukham Chetty) : In order to enable the Honourable Member to make up his mind as to what amendment he is going to move, he wants to know the attitude of the Government in the light of which he will decide what amendment he should move.

Before he came to this House this morning, he should have found out from Government what their attitude was going to be, and the Chair does not think that the Honourable Member can utilise this opportunity and ask the Honourable the Home Member to make a statement on the subject. The Honourable Member must make up his mind as to which of his amendments he is going to move.

Pandit Satyendra Nath Sen : In that case I will move the second amendment.

Mr. R. S. Sarma (Nominated Non-Official) : On a point of order, Sir. Before the Honourable Member moves his amendment, there is an amendment next to his, standing in my name which is of a more general character, while the amendment of Pandit Satyendra Nath Sen is of a restricted nature. Therefore, I feel that you will give me an opportunity of moving that amendment before he moves his.

Mr. President (The Honourable Sir Shanmukham Chetty) : It has been the practice in this House, and that practice is being followed on the present occasion, to allow various Honourable Members who have given notice of various amendments to move those amendments and to have a comprehensive discussion on all those amendments and the original proposition. When the time for voting comes, it will then be for the Chair to decide which is the more comprehensive amendment and the Chair will naturally put to vote that amendment which it considers to be more comprehensive. The Chair understands that Pandit Satyendra Nath Sen does not want to move amendment No. 2 on the list, but wants to move No. 3. Is that correct ?

Pandit Satyendra Nath Sen : Yes, Sir .

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : I should like to know under what Standing Order this particular amendment which my Honourable friend wants to move is in order, because Standing Order No. 39, which, I take it, is the Standing Order bearing on this particular question, runs as follows :

“.....if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee, or be circulated for the purpose of eliciting opinion thereon.....”

I do not suppose that this Standing Order contemplates a restricted circulation as my Honourable friend desires, and that observation would also apply to the amendment which has been moved by my Honourable friend, Mr. Jha. I should like to have your ruling on this particular point.

Mr. President (The Honourable Sir Shanmukham Chetty) : What exactly is the point that the Honourable Member wishes to raise ? Will he repeat it ?

Mr. K. C. Neogy : As far as I can see, Standing Order No. 39 lays down in specific terms the amendment that can be moved at this particular stage, and that does not seem to me to be of a restricted character at all.

Mr. President (The Honourable Sir Shanmukham Chetty) : What sub-clause of Standing Order No. 39 please ?

Mr. K. C. Neogy : (2) (a).

[Mr. K. C. Neogy.]

May I make a reference to the previous Standing Order ? It says :

“ When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely :

- (a) that it be taken into consideration by the Assembly either at once or at some future day to be then specified ; or
- (b) that it be referred to a Select Committee ; or
- (c) that it be circulated for the purpose of eliciting opinion thereon.”

That is the specific nature of the motion that it is permissible for a Member in charge of a Bill to make, and if some other Member makes a motion by way of an amendment to a substantive motion moved by the Member in charge, then also the amendments must be in similar language as stated in sub-clause (2) (a) of Standing Order No. 39, which says :

“if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.....”

Mr. President (The Honourable Sir Shanmukham Chetty) : On what Standing Order does the Honourable Member rely for his contention that when the Member in charge moves that the Bill be circulated for the purpose of eliciting opinion thereon, only a particular kind of amendment can be moved to that ? The Chair is not able to find that Standing Order.

Mr. K. C. Neogy : The Standing Order is silent on the point, but these are the only motions that are permissible under the Standing Order to be moved, and, that particular motion having been moved, I do not suppose that any amendment of the kind contemplated by my Honourable friend, Pandit Satyendra Nath Sen, is in order.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member must realise that no explicit provision is made in the Standing Order as to what kind of amendments can be moved to the motion of a Mover of a Bill that the Bill be circulated for eliciting opinion thereon. When Standing Orders are silent on the point, it will be for the Chair to decide what amendments to such motions would be in order, and the Chair in this case has held that Pandit Satyendra Nath Sen's amendment is in order.

Pandit Ram Krishna Jha (Darbhanga *cum* Saran : Non-Muhammadan) : So far as my amendment is concerned, it was moved on the 4th March and there was a debate on it and my Honourable friend's point of order is rather too late.

Pandit Satyendra Nath Sen : I beg to move :

“ That the Bill be circulated amongst the temple-going Hindus for the purpose of eliciting opinion thereon by the 30th June, 1934.”

As the House is aware, a similar amendment was moved by my Honourable friend, Pandit Ram Krishna Jha, at the last Delhi Session which runs as follows :

“ That the Bill be circulated amongst the heads of the Religious Institutions, secular heads, trustees or administrators of the village temples in consultation with the Hindu villagers and Collectors of Districts for ascertaining the opinion of lay people likely to be affected by this Bill and not amongst the Arya Samajists, the Brahmins and Hindu Mahasabites who have no faith in temple worship.”

Sir, I have practically accepted all the points of that amendment, for instead of a roundabout phraseology, I have put it in a simple expression, namely, temple-going Hindus, and, as I want to put it in the prescribed form, I have inserted a time-limit, *viz.*, 30th June, 1934. If I were to have my own way, I would rather oppose the Bill outright instead of moving a circulation motion, but, as there is very little chance of achieving any success in that direction, I am constrained to move this amendment for circulation.

In the first place, I will argue that this Bill is *ultra vires* of this Legislature. It was never the intention of our rulers or of the British statesmen that such Bills should be brought forward for discussion in the Legislature because it involves serious religious questions which cannot be discussed by the Members of this House. They are not experts in those matters. I will, first of all, refer Honourable Members to the memorable notification issued by the Government of India on the 16th May, 1857. The pertinent portion runs as follows :

“ The Government of India have invariably treated the religious feelings of all its subjects with careful respect. The Governor General in Council has declared that he will never cease to do so. He now repeats that declaration and emphatically proclaims that the Government of India entertains no desire to interfere in the religion or caste.”

This notification was confirmed and ratified by the Queen's Proclamation which runs thus :

“ We do strictly charge and enjoin all those who may be in authority under Us that they abstain from all interference with religious beliefs and worship of Our Subjects on pain of Our highest displeasure.”

If I seek protection under these Proclamations and notifications, it is my duty to show that this Bill affects the religious feelings of the Hindus. I think it will require no arguments to prove that temple affairs are religious affairs. It is a *prima facie* case that temples are purely religious matters, and this Bill is not only religious, but it is subversive of all religion, because the real demand of the reformists is not temple-entry alone, but something beyond that. Dr. Ambedkar, one of the leaders of the Depressed Classes, has put it very clearly. He says :

“ What is required is to purge it of the doctrine of *Chaturvarna*. Do Mahatma Gandhi and Hindu reformers accept this as their goal and will they show courage to work for it ? But whether they are prepared for this or not, let it be known once for all that nothing short of this will satisfy Depressed Classes and make them accept temple-entry.”

And this demand has been practically acceded to by Mr. Gandhi, the high priest of the sacrifice of religion. Writing in the *Harijan*, dated the 11th February, he says :

“ It is highly likely that at the end of it we shall all find that there is nothing to fight against in *Varnashram*. If, however, *Varnashram* even then looks an ugly thing, the whole Hindu society will fight it.”

That is the ultimate demand of the reformers.

Now, I will speak a few words to remove the misconception of many of my Honourable friends regarding Mr. Gandhi's view in respect of inter-dining and inter-marriages. They are under the misconception that he does not insist on these things, but in the course of his statement which

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appeared in the *Hindustan Times* of the 6th December, he says clearly that :

“ Restriction on inter-caste-dining and marriage is no part of the Hindu religion.”

He goes on to say :

“ Wherever, therefore, the people voluntarily take part in functions where touchables and untouchables, Hindus and non-Hindus are invited to join dinner parties, I welcome it as a healthy sign.” “ Dining and marriage restrictions stunt Hindu society ”, and so on.

So the ultimate demand of these reformers is not temple entry alone or the abolition of untouchability, but the subversion of the basic principles of the Hindu religion. It is true that such Bills can be introduced with the previous sanction of the Governor General. The Indian Councils Act of 1861 and the Government of India Act of 1919 make provision for such introduction, but consistently with the previous Proclamation and notification to which I have referred, this previous sanction is to be regarded as an additional safeguard and evidently relates only to those Bills which do not infringe any religious laws and where the usages and customs are silent. This view was clearly expressed by Sir FitzJames Stephen when, in 1870, speaking on the Special Marriage Bill, he said :

“ When silent, we can legislate for the best interest of those for whom we have to legislate.”

That is the position as regards previous sanction. I must impress upon Honourable Members that they should not be led away by the previous sanction that has been accorded to this Bill by the Governor General. That absolute non-interference was the guiding principle of the British statesmen appears from the fact that in the very year in which the Government of India Act was passed, *viz.*, 1919, another Act was passed in England, namely, the Church of England Assembly Act which conferred the power of discussing religious matters on the National Assembly of the Church of England. If that was the view taken in regard to England, which is practically governed by one religion, it goes without saying that their intention was certainly not to place India, which is governed by so many religions, at the mercy of the Legislature which is composed of such heterogeneous elements. Does it stand to reason that my religion should be dictated by Sir Harry Haig or by Sir Abdulla Suhrawardy or by Mr. Dumasia. Our religion is going to be dictated by men who do not belong to the Hindu religion at all. So far as Bengal is concerned, I may mention two apostles, namely, Sir P. C. Ray and Dr. Rabindra Nath Tagore, neither of whom belongs to the Hindu religion. They are Brahmos and not Hindus.

An Honourable Member : Brahmos are Hindus.

Pandit Satyendra Nath Sen : They themselves declare that they are not Hindus.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : What caste do you belong to?

Pandit Satyendra Nath Sen : I am Vaidya.

Mr. D. K. Lahiri Chaudhury : Are you admitted into the *sanctum sanctorum* of the Hindus ?

Pandit Satyendra Nath Sen : Yes, generally. That these things cannot be entrusted to the Legislature has been recognised by Dr. Finer

in his work on "The Theory and Practice of Modern Government". On page 753, Volume II, he says :

"It is impossible for the ordinary institutions of Government to penetrate the depths, and master the complexities, of any modern branch of society and law without the special aid of those to whom the matter is one of lifelong and intimate acquaintance, and to whom all things are revealed owing to the vital quality of their interest in the result."

This view is also endorsed by Sir Arnold Wilson who, in an article, entitled "The Church and State" which appeared in the January issue of the *English Review*, quotes the view of Lord Hugh Cecil, and says :

"He would exclude the laity from the discussion of the mystery of sacraments which belongs to the Bishops and subordinately to the clergy. He would permit no intrusion by the laity on the stewardship of the mysteries of the Gospel."

Having argued this point, I would now discuss the principles of the Bill. It should be remembered that this Bill was sponsored at the instance of Mr. Gandhi. So, some discussion of the affairs which took place outside this House may not be irrelevant to the present discussion. At the outset I wish to make it clear beyond any doubt that we have no objection to much of the present propaganda. We do not object to this movement for the uplift of the so-called Depressed Classes—I do not admit that, really speaking, there are any Depressed Classes in our society—in matters educational, hygienic or vocational, and so forth. Give them facilities in every direction so long as our religious principles are not injured. I refuse to admit that the temple-entry is a part of their amelioration, because very few of them are anxious for that. In fact, one of the temples in Bengal, at Munshiganj, was thrown open to them, or rather they forced their entrance into that temple, but now a days the temple is being frequented neither by the caste Hindus nor by the Depressed Classes.

Sir, this Bill has three different aspects—the religious aspect, the legal aspect and the political aspect. I will discuss the three aspects one by one. First of all, I would say that the temple affairs are extraordinary affairs. They are spiritual matters which are technically called *Adrishtarthak* which means not *drishtarthak*, i.e., their results cannot be seen with our physical eyes ; they relate to spiritual matters. They are not within the scope of our ordinary common sense. When we recite some *mantras* before an image, it is invested with a peculiar sanctity. What common sense is there ? A round piece of stone, with one or two holes, with one or two navels within, produced by nature in the river Gandaki is regarded as an image of the Supreme Being ? What common sense is there ? These are beyond the scope of ordinary common sense. Now, Sir, what is the value of common sense ? It is not a constant thing. My common sense differs from the common sense of Mr. Jadhav, and his common sense differs from that of Mr. Mitra.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Common sense means special sense.

Pandit Satyendra Nath Sen : According to the common sense of Mr. Gandhi, the Gita is the only book of truth, and according to the common sense of another gentleman, Professor Dwijadas Datta, father of Ullaskar Datta, who has made a greater sacrifice than Mr. Gandhi, because he sacrificed his own life.....

An Honourable Member : Ullaskar is still alive.

Pandit Satyendra Nath Sen : In his book "Rigveda unveiled" he speaks of the pernicious principles taught by the Gita. This is the value of common sense. The common sense of Mr. Gandhi dictates that there should be a legislation of this sort and the common sense of Pandit Madan Mohan Malaviya dictates that there should be no such legislation. This is the value of common sense. How can we rely on the common sense of men who are not better than pygmies when compared with the sages of old in whom the sense of *satva* so much prevailed? How can we rely on the common sense of a man who commits "Himalayan blunders" once every week and has to correct himself later on? In 1921, he says, "to ask to inter-marry and inter-dine is tantamount to asking Hindus to give up their religion". "Prohibition against inter-marriage and inter-dining is essential for a rapid evolution of the soul". In 1932, he says :

"Restriction on inter-caste dining and marriage is no part of the Hindu religion. This reform is coming sooner than expected."

Just compare these two statements, and you will at once realise the infallibility of this super-man. In 1921, he said :

"I believe that caste has saved Hinduism from disintegration. I am inclined to think that the law of heredity is an eternal law and any attempt to alter that law must lead, as it has before led, to utter confusion."

In 1932, he says : "Caste is a social evil. Caste has got to go". Just compare these two statements and you will realise at once how infallible this gentleman is. This being the position of common sense, I should say that our only guide should be the injunctions of the Shastras. Now, what do the Shastras say in respect of temple-entry? The Shastras grant different privileges to different castes. The Brahmans have got the highest privileges; next come the Kshatriyas, then the Vaishyas, then the Sudras and then come the untouchables, who are outcastes. I do admit that the untouchables have been given the least number of privileges and there are reasons for that. In order to make the view of the Shastras clear, it may be necessary to give a short account of the Hindu sociology in one or two sentences. Sir, children can be begotten in two ways, through lawful marriages and through promiscuous combination.

Mr. D. K. Lahiri Chaudhury : What is the promiscuous combination?

Pandit Satyendra Nath Sen : You know that as much as I do. Promiscuous combination is of two kinds, firstly by the *anuloma* system, and secondly by the *pratiloma* system. The *anuloma* system is where the male belongs to a higher caste, and *pratiloma* system is where the male belongs to a lower caste. *Pratiloma* is more despicable than the *anuloma*.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : But when the woman belongs to no caste but professes another religion?

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Is *pratiloma* system a marriage?

Pandit Satyendra Nath Sen : We refuse to call *pratiloma* a marriage, it is nothing more than a combination. These *pratiloma* children again give birth to other children more despicable than themselves. The worst types of these children are called *Antyajas*. This is not my own definition. This is what we have got in the Shastras. There are three kinds of untouchables. The worst type of *prati-*

loma children comes in the first category. The second class are those who are guilty of seriously violating religious laws, and the third are those who belong to other religions. We are at present concerned with the first class of these untouchables, namely, those who owe their origin to serious violations of marital laws. I do realise that these children are not responsible for the violation of these laws. They are not responsible for the sins of their forefathers and, therefore, we do not hate them. Rather we look upon them with a certain amount of sympathy. We look upon them as the children of diseased parents. We simply keep ourselves in segregation. That is no disability imposed upon them, rather that is a check upon our own selves.

Mr. D. K. Lahiri Chaudhury : Do you believe in the dictum that sympathy, is the universal solvent ?

Pandit Satyendra Nath Sen : Yes.

Mr. D. K. Lahiri Chaudhury : Then, why do you segregate yourselves ?

Pandit Satyendra Nath Sen : There must be a limit to everything. It is owing to the fact that they are untouchables that the least amount of privileges have been conceded to the *antyajas*. The Shastras say that if a *chandala* or a *patita*, i.e., a fallen man, enters into a temple, the temple gets defiled and it has to be purified by cow's urine, cow's dung, and so forth.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : What is the definition of a *chandala* ?

Pandit Satyendra Nath Sen : My Honourable friend wants to have a definition of *chandala*. A *chandala* is the issue of a Brahman woman and a sudra father, not legally married, because no legal marriage can take place between the two.

Mr. R. S. Sarma : I want your ruling as to how far the observations of my Honourable friend are relevant to the amendment which he has tabled. I can understand his observations if he is totally opposing the circulation. Apparently he accepts the amendment and accepts circulation. I want to know, however much his observations may be relevant as an exhibition of his Shastric knowledge, can they be relevant in support of the amendment he has tabled ?

Pandit Satyendra Nath Sen : My object is to discuss the Bill at some length so that the public may be in a position to realise the real situation and to gauge the implications of the provisions of the Bill.

Mr. R. S. Sarma : If that be the object, then the amendment for circulation is to elicit public opinion and not to educate public opinion.

Pandit Satyendra Nath Sen : It is argued that no man can be condemned for the whole life on account of the sins of his forefathers. He may be promoted to a higher caste by purificatory ceremonies and *dikshas*. According to our Shastras, *jati* and *janma* are identical things. Both the words are of the same origin ; they come from the root, *jana*—to be born. Of course, there were certain exceptions, such as in the case of Visvamitra, but those few exceptions go to prove the general rule. There should be no impatience on the part of any individual, because this birth is not the only birth. There is a fundamental difference between the philosophy of birth according to the Hindus and that according to other nations. Our

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birth is determined by the acts performed in previous births. The Chhândogya Upanishad says :

“Ramaniya-charanāḥ ramanīyām Yonim āpadyeran—Brāhmana-Yonim vā, Kshatriya-yanim vā, Vaishya-yonim vā.

Kapūya-charanāḥ kapūyām Yonim āpadyeran—swa-yonim vā, sūkara-yonim vā, śūkara-yonim vā, chāndāla-yonim vā.”

Those who perform meritorious acts, get meritorious births—they are born as Brahmins, Kshatriyas and Vaisyas ; and those, who perform lowly acts, get low births such as those of dogs, hogs and *chandulas*. As I have already informed Honourable Members, Mr. Gandhi bases his faith on the Gita. The Gita also refers to these untouchables in unmistakable language. It is not, however, to be considered that these untouchables have no claim to salvation. They have got as much claim as we caste-Hindus have. Really speaking, in the case of the untouchables, the rules are less rigid than those prescribed for the higher castes. Only a single utterance of Harinam is more efficacious in the case of a *chandala* than severe penance practised by a Brahmin. This is the rule prescribed by the selfish Brahmins with regard to the untouchables. The Gita says :

“Mām hi Pārtha Vyapāsritya yepi syuh pāpa-yonayah striyo vaiśhyā stathā sūdrā stepi yānti parām gatim.”

“Every body will be able to attain salvation provided he clings to me (referring to his own self), be he a Vāishya, be she a woman, be he a *pāpayoni*.”

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

The Gita further says :

“Kim punar Brāhmanāḥ punyā bhaktā rājārshaya stathā.”

“Be he a Brahmin or a Kshatriya, everybody is entitled to salvation.”

Honourable Members will notice that Lord Krishna refers there to four castes and their females and to some other people also. He refers to Brahmins, Kshatriyas, Vaishyas, Sūdras, females and to the *pāpayonis*, i.e., those who are of sinful birth. Who are these *pāpayonis* according to the Gita ? They must be the untouchables, and this phraseology has been repeated by Manu also in regard to the *Antyajās* :

“Varnāpetam avijnātam naram kalasha-yonijam.”

“They are outcastes, they are of sinful origin.”

It is for this reason that the Shastras have not given them so much privileges as they have given to the Brahmins, the Kshatriyas, and so forth.

This much for the religious aspect of the question. I now turn to the legal side. Sir, a temple consists of four things—the deity, the founder, the trustee and the beneficiary. If the proposed innovations are introduced, we will be doing injustice to all of these. The object of the founder will be violated, the trustees have no power to deviate from the intentions of the founder, the beneficiaries will be deprived of their rights, and the deity will be defiled. Tudor, in “Charitable Trusts”, says :

“In cases relating to Charity, a majority cannot control the minority.”

There are innumerable decisions of the High Courts of Bombay and Madras, etc., which clearly say that no deviations can be allowed. Justice Bennan of the Bombay High Court observes :

“ Any extension or limitation of the scope of a trust so as to exclude those who were intended to be included, or to include those who were intended to be excluded, is really a breach—and a very serious breach—of trust.”

I. L. R. 13 Madras says :

“ A Hindu temple is not a public place in the sense in which a public road is a public place. It is open only to the persons belonging to the religious community for whose use and benefit it was dedicated.”

As regards the referendum method advocated by our reformers, I. L. R. 20 Madras says :

“ No amount of consent on the part of the public will justify a breach of trust by the Manager.”

There is also another decision which says :

“ A minority however small, holding fast by the tenet would be entitled to prevail against the majority, however numerically large, which could be shown to have receded from or renounced them.”

So, in the teeth of the established custom of the land and in the face of these decisions of the Honourable High Courts, I think no legislation can be allowed in this matter. Sir, it should be remembered that even if there is no explicit rule in the Shastras, if there is an explicit custom to that effect, that custom is to be adhered to, because custom also, if it does not run counter to the Shastric injunctions, is to be regarded as an authority on *Dharma*. My Honourable friend, Mr. Jadhav, knows it very well :

“ Vedokhilo dharma-mūlam smṛiti-sile oha tadvidām
Aḥāras chaiva sādḥūnām ātmanas tushtir eva cha. ”

Sir, one word more regarding the referendum question. The folly is at its highest when it is proposed that these temple affairs are to be decided by taking votes. Does it stand to reason that a man who has devoted his whole life to the study of the Shastras will have only one vote and the man in the street also will have one vote ? So far as religious matters are concerned, the voting system is entirely foreign to the Hindu mind. Our Shashtra says that even the word of one individual should prevail against the word of innumerable persons provided that that single individual is conversant with the subject with which he deals :

“ Ekopi veda vid dharmam yam vyasyed dwijottamāḥ
Sa vijneyaḥ paro dharmo nājnānām udito yutaiḥ. ”

“ Even the word of a single individual who is learned should prevail against the word of ten thousand people who are ignorant.”

That is the true view of the Shastras.

Sir, I now come to the political aspect of the question. It is argued that if we do not give them certain privileges now, they will embrace other religions. But is that apprehension well-founded ? We have it on the authority of Dr. Ram Prasad, Provincial Secretary of the All-India Depressed Classes' Association, Delhi, who has issued the following statement :

“ We are Hindus and we desire to remain as Hindus. As a matter of fact, it will be interesting to know that persons who become converts to Christianity come back to the Hindu fold seeing that there is no solace and comfort and equality in that Christian religion. Did not my friend, Dr. Solanki, M.L.C., of Bombay, come back to Hinduism after having once been converted to Christianity ? ”

[Pandit Satyendra Nath Sen.]

That is the position. It is a misapprehension to hold that these people will go to other religions and find solace there, because there is no solace in any religion in this world to one's heart's content. Untouchability there must be present in each and every society, as has been admitted by Mr. Gandhi also. It is argued that they are 40 millions in number and, if they go away, we Hindus will be weakened. Sir, I do not know the exact number of these Depressed Class people. At one time we had it as 40 millions and that is the figure Mr. Gandhi put in his statement. A few days later, when my Honourable friend, Rao Bahadur M. C. Rajah, led a deputation to His Excellency the Viceroy, it came up to 46 millions in the course of a few days, and it has been put at 60 millions by Mr. Rajagopalachari, the worthy lieutenant of Mr. Gandhi. So I am inclined to believe that none of these figures is correct. They are all wrong figures and their number is not so much.

Rao Bahadur M. C. Rajah (Nominated Non-Official) : What is your figure ?

Pandit Satyendra Nath Sen : I am not prepared to give any figure. I simply prove the discrepancy in your figures.

Rao Bahadur M. C. Rajah : I took the figure as given in the Government census.

Pandit Satyendra Nath Sen : Then Mr. Gandhi's and Mr. Rajagopalachari's figures are wrong.

Sir, they argue that some concession must be made according to *desh*, *kala* and *patra*,—very sweet and attractive words indeed. But *desh*, *kala* and *patra* cannot take us beyond the basic principles of religion. We must stick to the basic principles, and what are the basic principles ? The basic principles of the Hindu religion are three,—the authority of the Vedas, the existence of God and the existence of re-birth. These are the three basic principles. We cannot go beyond the Vedas. The Vedas enjoin us to do certain things and we are bound to do them. We know what the value of numerical strength is : we Hindus are a majority community. What is the value of a Hindu

today ? We are nowhere ; and what is the value of Russia against Japan ? Nothing. The one thing needful is to have sincere people belonging to a particular community : only one man will suffice. There is no value to be attached to numbers. (Interruption.) I would, therefore, urge that my Honourable friends will be pleased to oppose this Bill. If they really want to consult the opinion of the people—we have been flooded with telegrams—my Honourable friend, Pandit Ram Krishna Jha, has got in his pocket some 150 telegrams.....

Mr. R. S. Sarma : Who financed them ?

Pandit Satyendra Nath Sen : I do not know : it may be you or my friend, Mr. Rajah. Sir, I reiterate that the Depressed Class people should not be fomented against the caste Hindus. They have lived in perfect amity and concord for thousands of years past owing their allegiance to caste Hindus. They should be taught the religious principles which made their forefathers loyal to the Brahmins. That will bring them solace and comfort. Otherwise they will find no comfort. Let me assure the Honourable Members of this House again that we are prepared to give them

every facility and every relief : we are prepared to give them their living, give them high posts if they are competent to hold them, give them seats in the Legislature if they want to have them. (Interruption.)

I may refer here to another point also. If you really want to ameliorate their condition, it is not by allowing them temple entry which they really do not want, but by bringing them back to their hereditary profession of which they have been robbed, not by caste Hindus, but by reformers under western influence. We are always prepared to make every concession for them : they have their proper share—the washerman and barber and other Depressed Classes have their share on ceremonial occasions : we give them alms specially on religious occasions such as eclipse, etc., though my Honourable friend, Mr. Navalrai, is not prepared to give them alms even. He gave notice of a question which unfortunately was not reached this morning—I will read out that question : he is annoyed by beggars on station platforms ; he is annoyed by the exhibition of their diseased bodies....

Mr. Lalchand Navalrai : I am also annoyed by the Pandit beggars on the railways and elsewhere.

Pandit Satyendra Nath Sen : I may tell my friend that the beggars mostly belong to the Depressed Classes and are not Pandits.

Mr. Lalchand Navalrai : My Honourable friend should understand that that is a different question altogether : my question refers to the harassment that they cause : and this should not be mixed up with the other question.

Pandit Satyendra Nath Sen : But you should give them alms, after all.

Mr. Lalchand Navalrai : Yes, but not in that harassing manner.

Pandit Satyendra Nath Sen : Sir, temple entry is no part of Swaraj ; Swaraj is concerned only with political emancipation ; and this is even no part of their spiritual emancipation : they have got their own temples and idols and their priests and they are at liberty to worship there ; but unfortunately they do not do that ; though they have the right of making worship of Shiva and Shakti, they are hankering after temple entry at the instigation of others ; they should be made to realise their own situation and they should be made to live in amity and concord with caste Hindus as they have done for the last thousands of years.

One word more and I have done. Instead of putting it in a general form, I have inserted the expression " temple-going Hindus ". I find that that point was recognised by the Government also in the Government communiqué which was published on the 23rd January. They say :

" But the Governor General and the Government of India desire to make it plain that in their opinion it is essential that the consideration of any such measure should not proceed unless the proposals are subjected to the fullest examination in all their aspects not merely in the legislature but also outside it by all who will be affected by them. This purpose can only be satisfied if the Bill is circulated in the widest manner for the purpose of eliciting public opinion and if adequate time is given to enable all classes of Hindus to form and express their considered opinion."

That is the point. So I want to have it circulated amongst the Hindus only, and by Hindus I mean not the Brahmos as was demanded by Mr. Navalrai, but the temple-going Hindus only. And there is

[Pandit Satyendra Nath Sen.]

another point. I put the time limit at the 30th June. Generally three or four months time is allowed for the purpose of circulation for ordinary Bills. But this is a Bill of a sensational character and, therefore, I think nothing short of ten months will be adequate. The communiqué says :

“ This purpose can only be satisfied if adequate time is given.”

With these few words, I move my amendment.

Mr. R. S. Sarma : Sir, I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934.”

I do not think I shall be justified in wasting the time of this House by making a speech in support of this amendment, because it is so simple that I do not think any speech is called for in support of the amendment. It is more or less on the same lines as that of the previous speaker, with this difference, that his is a more restricted one and contains words which, in my opinion, are absurd and impracticable, namely, temple-going Hindus. I do not know how it can be found out who will find out who are the temple-going Hindus. With regard to this, the Government spokesmen had made it clear from time to time that Government are anxious to give the widest possible publicity to the provisions of this Bill and to elicit public opinion in this matter. Therefore, there is more or less general agreement that the Bill ought to be circulated, except that there are some enthusiasts who want public opinion to be elicited before a particular date before the end of this year, and there are other die-hards like Pandit Sen who want that the time limit should be the next year or the year after that. To my mind, both are impracticable. As for those who want to have it circulated and opinion obtained before the end of this year, I think the time is so short that it will not be practicable to get adequate public opinion before the end of this year. On the other hand, if this House agrees or if the Government support the amendment that public opinion should be elicited before December, 1934, it may lend colour to the impression that Government are standing in the way of this useful social reform. Therefore, as a compromise, I suggest that 30th June, 1934, is a proper date by which public opinion should be elicited. I may inform the House that in this I have the support of my friend, Mr. Rajah, who is a representative of the Depressed Classes in this House than whom there is nobody more interested in the welfare of the Depressed Classes, and I hope Government will see their way to accept this and show *bona fides* of their sympathy for the great cause.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Order, order. The House stands adjourned till half past Two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Abdul Matin Chaudhury) in the Chair.

Mr. D. K. Lahiri Chaudhury : Mr. Deputy President, I am very glad that you have called my name and given me the opportunity of expressing my views on this important subject. I have said on different occasions that I am one of those who do not believe in social reform by legislation ; and, as such, I will oppose all the measures at every stage in whatever form they come before the House. I feel sorry that my Honourable friend, Pandit Sen, has been so uncharitable towards Mahatma Gandhi. Even Pandit Sen had the courage to address the Mahatma as " Mr. Gandhi ", and, further, he remarked last evening that the Mahatma was doing all these things out of "*Dambha*" and "*Kama*" which mean vanity and passion. I cannot tolerate these remarks against the Great Mahatma whose sincerity and honesty cannot be challenged by anybody. It cannot be denied that the treatment meted out to these Depressed Classes is so distressing that I am rather glad that the Great Mahatma has taken up their cause, and he has cherished the idea of doing social good to these people. I quite appreciate that. I also appreciate the feeling with which he starts the campaign against untouchability even at the cost of his life. He is doing everything he can to ameliorate the condition of the Depressed Classes. No one can deny that something should be done for the uplift of the Depressed Classes. I am sure that my Honourable friend, Mr. Rajah, who is present in this House, has better experience of the pinch of the shoe for he is one of the sufferers. It is a fact that in Southern India they are dealt with even worse than animals, like cats and dogs. No one can deny that.

Pandit Satyendra Nath Sen : In towns, or in villages ?

Mr. D. K. Lahiri Chaudhury : In towns, in villages, and even in Pandit Sen's house, I say. (Laughter.)

But I do believe and believe sincerely that, by moving a measure like this, the real object can never be served. Sir, the minority problem has played a foremost part and a dangerous part, if I may say so, in the field of politics. If we look into the parliamentary debate of 1910, we will find that there was a strong move to establish a minority party in India. The object of the British politicians has been served and they have gained their purpose. The Communal Award and the Poona Pact have doomed Bengal for ever. It was rightly said by the Home Member last evening that even though many of us felt the effect of the Poona Pact, we were absolutely silent in order to save the life of Mahatmaji. We did not raise a single protest against the pact though it was extremely dangerous to Bengal, and, practically speaking, the future of Bengal is absolutely dark economically, socially and politically, and every citizen of Bengal is groaning under the burden of this Communal Award, especially under the Poona Pact....

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : We are not discussing the Poona Pact. We are discussing the Temple Entry Bill.

Mr. D. K. Lahiri Chaudhury : Yes, Sir. I am not discussing the Poona Pact ; I am discussing the Temple Entry Bill, but, at the same time, this is the right and opportune moment to record our protest constitutionally, and this is one of the main reasons that I am objecting to this

[Mr. D. K. Lahiri Chaudhury.]

Bill. I may state that the Poona Pact has done enormous injury to the whole of Bengal. But that does not mean that one should criticise the Mahatma so severely. His past cannot be shaken off by one of his present actions. I strongly resent the remarks which were passed by my friend, Pandit Satyendra Nath Sen, yesterday about Mahatma Gandhi. He calls himself a Pandit, and, may I ask, whether he knows the definition of a Pandit which is given in the Gita? The definition is :

“*Yasya sarvesamarambha
Kama sankalpa varjita,
Jnanagni dagdhakarmanam,
Tamahah panditam budhah.*”

That is the definition of a Pandit. (An Honourable Member : “ Translate it.”) I am going to translate it :

“ One who has given up all kinds of worldly desires and ambitions and one who is bereft of taking any initiative in any worldly affairs and one whose worldly activities are burnt in the sacred fire of knowledge is said to be a Pandit by the wise men.”

Now, may I ask the Honourable Member whether he knows how that Pandit will behave with the untouchables. That *sloka* runs as follows :

“*Vidya Vinayasampanna,
Brahmaney gobi hastini,
Shunichaiva swapakecha,
Panditah samadarshinah.*”

Which means that “ Pandits should not differentiate between learned, amiable Brahmins, cows, elephants, dogs and *chandala* (untouchables) ”.

Pandit Satyendra Nath Sen : When you are in need of milk you will approach a dog and not a cow !

Mr. D. K. Lahiri Chaudhury : I do not know what my Honourable friend means. But I can say that a Pandit should embrace every body, whether he be a Brahmin or an untouchable.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : He is a Vaidya Brahmin, don't you admit it ?

Mr. D. K. Lahiri Chaudhury : Now, Sir. There are three aspects under which I oppose this Bill—socially, politically and spiritually. Socially I say that there will be so many differences between the Depressed Classes and the caste Hindus that instead of bridging the gulf, the differences will be so widened that no power, however strong it might be, will be able to bring them round. My conviction is that social uplift should go *pari passu* with political uplift. Until the country is politically advanced and attains political liberty, social liberty is bound to be very remote. At this stage I must state frankly and candidly that the author of this Bill, who could not exercise his brain to uplift the cause of politics in this country, has thought it fit to take up the cause of social uplift by means of this measure.

Now, I come to the political side. The political aspect of this question is very grave, but this is not the proper occasion for dealing with it, because the Chair will rule me out of order. But one thing I want to emphasise is that there are great many estates and properties in this country which are endowed in the name of a temple, and if this Bill is

passed, many of the temples which get contributions will be deprived of those contributions. There are many families which have been maintaining their livelihood from the contributions of the temple for ages and, as a landlord, I feel that if this Bill is passed, it may deprive their rights of enjoying those contributions. It is so comprehensive in its scope. From my scrutiny of the temples in India, I find that there is not a single temple in India which can be called a public temple, because a temple, according to Hindu religion, is personal. It is not like a Christian Church or a Muslim Masjid. If any gentleman erects a temple out of sincere devotion to his religion, it is his bounden duty to look to the interests of that temple so that the temple may not be polluted by others. He opens the temple to the particular caste to which he belongs and he may not like other castes to enter into it. If this Bill is passed, there will be great difficulty in conducting the management of the temple and even the necessary obligations.

Mr. B. V. Jadhav : There is nothing in this Bill about the management of the temple. It is only about the entry.

Mr. D. K. Lahiri Chaudhury : The trouble is that the temple entry is only the beginning. When other classes enter the temple by a majority of the votes in a particular locality, they will claim the right to direct the management of the temple. This is only the first move. So, from this point of view, this Bill ought not to be passed by this House. Take for instance the Jagannath temple. There is no question of untouchability there. Every one can enter that temple, but even that temple belongs to the Raja of Puri. That is not a public temple. The management at present lies with the Court of Wards. There is an officer in charge who conducts the management. So also about Badrinath and the Kalighat temples. That is one aspect of this Bill. Then, another aspect is this. My idea of a Hindu temple is that a Hindu goes there for the realisation of his own self. It is called a *mandir* in Sanskrit. A *mandir* is a place where you can go and concentrate your mind to attain the truth or the absolute. That is the ideal of the temple. Temple entry can only be had by those people who really believe in the existence of God.

Mr. Lalchand Navalrai : Do not the Depressed Classes believe in God ?

Mr. D. K. Lahiri Chaudhury : They do. That is why I say that they must have temples of their own. They are after all the creation of God.

Now, the Depressed Classes number 40 millions in India and there is nothing to prevent them having their own temples for their own prayers. They can manage them themselves. That is my real point. I do not minimise the position of the Depressed Classes in any way.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

They must have a place of their own where they can concentrate their mind on God. Every one of us who is born in this world has got spiritual claim of worship in him and no one can deny that every man has the right to worship God. But passing a legislation of this kind, you should not infringe on the rights of those who have erected and endowed these temples for a particular purpose out of their generosity

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and firm belief in their respective religion. That is the reason why I am objecting to people entering a temple, the donors of which never contemplated that those people, who belong to other castes, would enter the temples. They erected them only for a particular class of people belonging to his community. I will never take any objection to the Depressed Class people having their own temples and worshipping in them. That is my point which has forced me to take my stand against this Bill. I verily believe that Mahatma Gandhi has taken up a very right attitude for the uplift of the Harijans, but I appeal to him in the name of truth, justice and equity, not to set up one community against the other ; in that case he will hardly be able to attain his object. The land of India is sanctified with the blood of so many disciples who were born and died here in the name of their religion. India is a place where every man can forsake his property and wealth, but no one will be prepared to forsake his own religion. India is a place where so many prophets were born. In this connection I blame also the Treasury Benches for having allowed this Bill to be discussed on the floor of this House. Their policy has been not to infringe the customs and rights of any people by any law or legislation, but unfortunately in this House we have got the right to discuss any matters, be they social or political or religious. But I do hope that the Treasury Benches will at least take up the cause of the particular community which stands to lose a good deal if this Bill is passed into law. If they will allow this Bill to be passed, I may tell them with all the emphasis that I can command that there will be such a social revolution, instead of peace and amity in this country, that no power in the world will be able to control it. If the executive of this country also meddle with the religious rites and customs of the people, then their administration also will be in jeopardy. I do not understand the attitude of Pandit Sen. Why has he come here with folded arms to move a dilatory motion. We must fight very strongly on this point and should not hesitate even to shed our blood in the temples, because I do believe in the fact that, in the name of religion, bloodshed has occurred in this country several times. At the same time, we must always keep a soft corner for those who have been badly treated in this country. If any schools and other institutions are started for them, I declare it, on the floor of this House, that I am prepared to help them in every possible way, but let them not infringe the rights of the Brahmans and others in the temple. That is not a proper thing for them to do. I am a Brahman, Sir, and am speaking in the name of Brahmans today. Of course, I am not a Brahman of the orthodox type, but a moderate Brahman, because my mode of living and my customs are quite different from those of orthodox persons. To me every human being is human and there is no difference between one soul and another. That is the highest conception of the Hindu religion. Sir, I am a Vedantist. I believe in the doctrine of Brahma the absolute. But I feel for those Brahmans whose feelings are such that they cannot tolerate any infringement upon their religious rites and customs. I hope that the executive will take up that attitude seriously. Let them remember that India is a country where thousands of religious wars have taken place and the pages of its history are full of such religious bloodsheds.

Rao Bahadur M. C. Rajah : Mr. President, the reason why I intervene in this debate is to clear certain misconceptions that are lurking in the minds of some of my friends in the House. Sir, I am extremely

sorry that my revered leader, Raja Bahadur Krishnamachari, is not here today. The other day, on the 24th March, 1933, while opposing this Bill, he said that as far as human memory could go, these gentlemen (referring to Depressed Classes) never entered a temple and that their entry would desecrate the temples. Sir, I shall presently show to the House that the Raja Bahadur was not correct in this.

It is most unfortunate that there should be in this country a class of people who believe that the exclusion of certain classes from temple worship is based on the true interpretation of the precepts of Hinduism. Little do those, belonging to this class, realise the injury they are inflicting upon the religious and political well being of the Hindus. It will be out of place to go into the very debatable question of how far the ancient and sacred books support the case for or against the untouchables. It will be more interesting to consider that such a sentiment is purely of a historical growth and was an evil growth of certain political conditions that existed in this country in the past. This inferiority was a political condition caused by the conquest of the country by the White Aryan races and it is no wonder that the White races effecting a slow domination over the Coloured races developed a sentiment of superiority over the conquered, and the literature of the conquerors refer to this sentiment. There can be nothing inherent in the nature of the people to justify such a permanent assignment of a place of inferiority. It can be easily understood by those who have a knowledge of historical growth of institutions and customs. Sir Herbert Risley, writing in the " Census of India (1901) " remarks :

" In Madras, the Mala, the Nair and the Pariah of whom the last retain the traditions of a time when they possessed an independent organisation of their own had been delegated to a low place in the Hindu social system."

Sir, the Depressed Classes represent the earliest civilization of India.

3 P.M.

Long before the Aryans came to India, the Depressed Classes had their own political and social institutions :

" A time before this when the Aryans came to India "

says F. A. Steel in *India through Ages* :

" they found a people in India civilised enough to have towns and disciplined troops ; to have weapons and banners ; women, whose ornaments were of gold ; poisoned arrows whose heads were of some metal that was probably iron "

These were the ancestors of the present Depressed Classes, a tawny race as compared with the white skinned Aryans. The Aryans called them :

" the neglectors of sacrifices, who decorated with gold and jewels ", and " dwellers in iron cities "

There are at the present day some relics of their ancient rights and privileges which show beyond doubt the former greatness of these people, which are still to be found in the village organisations. Their decision in disputes concerning ownership of land is considered as final. Mr. W. F. Sinclair calls the Mahar as the guardian of boundaries and of public peace and health.

In an inscription of the eleventh century A. D., we find recorded the decision of one Vesali Parian and his councillors to be a final one in a civil case concerning the ownership of a piece of land belonging to a temple. The special privileges the Depressed Classes enjoy even to this day point to their former greatness. At the annual festival of the tutelary Goddess of George Town in the premier city of Madras, the Thali or marriage

[Rao Bahadur M. C. Rajah.]

badge is tied round the Goddess by a member of the Depressed Classes in the name of the entire community. A member of the Depressed Classes officiates as Priest at the bull games at Dindigul ; during the great Hindu annual festival at Conjeevaran, Srivilliputtur, Kumbakonam, Trivottur and other places in the South, the members of the Depressed Classes are allowed to pull the ropes of the huge cars containing the idols. During the festival of Siva at Tiruvalore in the Tanjore District, the headman of the Depressed Classes is specially honoured by being placed on the temple elephant along with the God and made to carry the Chowry in his hand for fanning the idol. In the famous temple of Krishna in Melkote, in the Mysore State, members of the Depressed Classes are accorded special privileges.

Pandit Satyendra Nath Sen : Where do you get all these ? Why special privileges ?

Rao Bahadur M. C. Rajah : You are ignorant of facts and figures, and yet you call yourself a Pandit. Your ancestors were more sensible than you are and so they accorded special privileges. Melkote is the chief seat of the Sri Vaishnavite Brahmins and the place where Sri Ramanuj lived in the 12th century. They enjoy a similar privilege at Sriperambadur in Chingelput district. In the case of a number of temples, there is a periodical admission of the Depressed Classes even under the present practice. Yet Raja Bahadur Krishnamachariar says, as far as human memory could go, these gentlemen never entered a temple. The Valluvars, a section of the Depressed Classes, were priests to the Pallava Kings, before the advent of the Brahmins and even for some time after. Sir Harold Stewart, in the Census Report of 1891, quotes an unpublished Vatteluttu of the 9th century which says that Sri Valluvar, the temple minister, will employ six men daily and do the temple service.

Dr. Gustav Oppert in his book, "*The original inhabitants of Bharat-varsha or India*", says :

"Valli is a well-known female name common among the Pariahs and Pallars". "Subramanya, the South Indian representative of Kartikeya, the son of Siva, is credited with having chosen a South Indian girl called Valli as his wife". "That Subramanya's wife, Valli, was a low caste South Indian woman". "Parvati, the wife of Siva and daughter of the mountain Himalaya, is even worshipped as a Pariah woman in her disguise as Matangi."

Sir, there are many sacred places and many holy temples, in South India, but for inspiring the pure joy of religious ecstasy there is perhaps no place equal to Chidambaram where the Divine Essence of the Universe is represented as engaged in an eternal dance of delight. Here, Nanda, belonging to the Depressed Classes whose very existence is one long story of unremitting toil rewarded by poverty, social degradation and religious excommunication panted for a glimpse of that God whose heart is love and whose feet, ever active and ever moving and ever balanced in joy. Did not God release Nanda from bondage to a master who was both an orthodox Brahmin and a landlord ? Did not Nanda aspire for a vision of God while he was still enclosed in flesh ? The image of Nanda is found in all Saiva temples and is worshipped even to this day by the devotees. Among the 63 Nainars or Saivite Saints who are worshipped as Gods the well known Nanda and the holy Thiruvalluvar belong to the Depressed Classes. Did not God order the Brahmin priest to carry Tirupan Alwar, the un-

touchable vaishnava saint, on his shoulder right into the temple ? Do not the orthodox Brahmmins accept that Tirupan Alwar has become one with God Sri Ranganatha at Srirangan in South India ? Do not the Vaishnavite Brahmmins chant the verses in the famous work of Tirupan Alwar, "Amaran Adhiparan" in all Vaishnavite temples side by side with the Sanskrit hymns ? Is not the image of the Tirupan Alwar now found in all the Vaishnavite temples in South India and universally worshipped ? Among the twelve Alwars or Vaishnavite saints who are now being worshipped as Gods in Vaishnavite temples, the famous Tirupan Alwar, Nambaduvan and Maraneri Nambi belong to the Depressed Classes. Ravi Das of Oudh, Chokamela of Maharashtra and Hari Das of Bengal have all sprung up from the untouchable classes. So also Arundhati, the wife of Brahmarishi Vasisth, one of the Sapta Rishis, who was famous for her chastity.

An Honourable Member : Where do you get all these from ?

Rao Bahadur M. C. Rajah : I am surprised that these people should call themselves orthodox Pandits and yet are quite ignorant of Hindu history and Hindu religion. These Honourable gentlemen come here in the name of religion to defend Hindu religion and it is a shame that they are ignorant of these things. When Abhimanyu, son of Arjun, was hit by an arrow, what did Subhadra, his mother, do ? She invoked the blessings of Arundhati and her son recovered. What does this show ? This shows the high veneration with which she was held by women of all classes. Jambavan, who was called a bear in Ramayan by the Aryan poet in his conceit, belonged to the Depressed Classes. Jambavan was the custodian of all ancient learning and a mighty warrior. Yet, Sir, Raja Bahadur Krishnamachariar says that the entry of these gentlemen into the temples would desecrate these temples. Sir, these facts show that the so-called untouchables were intimately connected with the important Hindu temples in India and that these temples originally belonged to them. All the ancient Hindu temples in India belonged to the Depressed Classes and not to the Aryans. They were gradually taken over from the Depressed Classes. The following extract from O'Malley's *Indian Caste Customs* will show how the Brahmmins usurped the rights of the Depressed Classes' priests. Sir, O'Malley says :

"A curious example of the way in which Brahmmins become associated with non-Brahmanical worship may be mentioned. In Bengal there is a Godling, called Dharmaraj, who is now worshipped in the shape of a stone and credited with powers of healing. His priests are commonly men of the scavenger castes, such as Hari and Dom. In one district some Brahmmins suffering from diseases believed to be incurable turned in despair to Dharmaraj, vowed to make offerings if cured, and were miraculously cured. They had to redeem their vows but would not make their votive offerings through the established priest, who was an untouchable Hari. A way out of the impasse was found by installing a low Brahman who was ready to associate himself with the Hari in order to make it a living. The two became partners, each having a clientele of his own, but the Brahman was predominant partner, for he forced the Hari to make his sacrifices of pigs and cocks in the jungle behind the building housing Dharmaraj. Finally the Hari family died out and the Brahman remained in sole possession."

Sir, this was how these temples which belonged to the Depressed Classes passed into the hands of these cunning Brahmmins. Sir, in this connection I may also lay certain facts before you to show that God does not make any difference between untouchables and the high caste men. Have you heard of the "Midday Pariahs", a Brahmin sect of old estranged

[Rao Bahadur M. C. Rajah.]

by God Shiva and made outcastes for 90 minutes every day ? This curse continues to this day in Tiruwalur in Tanjore district, from where my leader Raja Bahadur Krishnamachariar comes. Certain high caste priests in Tiruwalur once decided upon holding a *yagna* or great sacrifice and to request *Ishvara* or God to be present on the occasion and to receive the offerings in person. A deputation waited on the presiding deity. But the deity would not think of moving from his place, but wanted the offerings at the temple. Through the intervention of the Goddess word came to them that God Shiva would be present at the function, but that he would not be dictated to as to the mode of his dress. The priests agreed saying, " Oh, yes, let him come as he pleases ; what difference can it make to us ? " The priests were dressed in immaculate dress. The sacrificial fire was glowing and the smell of butter hung heavily in the air. There were only a few seconds more for Shiva to arrive. But no signs of his coming. But just at twelve, the appointed hour, the priests saw an outcaste, carrying a carcass on his back and followed by four dogs with his wife in Pariah garb. To avoid their being getting polluted by this outcaste and his wife, they took to their heels not caring what became of their *yagna*. But the deity, for it was He who had come with the Goddess in that dress with the four Vedas as the dogs, symbolically accepted the gifts, blessed the really pious and departed in haste. But He outcasted the priests who had fled. Through the intervention of the Goddess, Shiva laid it down that they shall be untouchables only for half a *jama* (90 minutes) a day. All men are equal in the eyes of God. God is for the sinners and the oppressed and not for the orthodox, who think they are righteous.

Sir, these clearly indicate that such a low state was never a natural state and those responsible for creating such a state could have easily sought and found an authority for such a state in the ancient and sacred books. The state of law was in so confused a condition, so capable of being lent for any interpretation, that it was no wonder that any number of texts could be found in the ancient books by those who were anxious to search for it to prove that the ancestors of these untouchables were real devils. Imagine in what state these authorities must have been in those dark ages when the white races flushed by the sense of conquest sought to create and render permanent its own superiority and the corresponding inferiority of the conquered races. How easy would have been the task and are we for ever to be in a state of religious serfdom because of these texts ? Sir Thomas Strange, whose monumental contribution to the development of Hindu law is well recognised, writes thus :

" To those who have made the Hindu law a part of their study, it cannot appear strange that it is so unsettled and contradictory. Many of the opposing writers are in point of credit equal to each other, and regardless of consistency texts are adopted for each for the purpose of sustaining his own end. The obsolete is confounded with the acknowledged law. The context is often omitted and passages which ought to be relatively considered are quoted as if they are absolute and independent in themselves. We cannot therefore wonder that so little satisfaction is obtained from authority. Nor can we but lament that some effort has not long since been made to distinguish and separate those which are not rules of action."

These remarks of a great scholar in Hindu law correctly describes the state, and one wonders how any correction can be centred on a state of law in this condition. We believe that ignorance alone can justify so

blind a faith and the objection from the class that swears on the holy books may be set aside as unworthy of consideration.

The learned author of this Bill considers the impossibility of the disability being ever removed by any method beside legislation. The final pronouncement of the highest judiciary in the land in 35 Indian Appeals, 176, shattered the hopes of those who believed that by a series of judicial decisions this much desired removal of disability could be effected. But the pronouncement of the Privy Council would be no surprise to those who knew the unwillingness of the British jurist to interfere with the personal usages and customs of the people of India. Though those now trained in a system of democratic jurisprudence realise all the inequity of certain rules of law they are unwilling to interfere. But whenever the legislature did intervene to correct such inequities they have been beneficent measures. In actual life we have experienced the benefits of legislation and we need have no apprehension for the future in putting this Bill on the Statute-book. The sooner this disability is removed the better for our religion and the sooner these ancient barriers are broken, the ancient gulf is bridged, the earlier will be the unity of the race of Hindus realised.

Sir, there is no ingredient in the universe separate from Brahma, that to look upon the world of merits and demerits with an eye of absolute equality is the only means of liberation, that to view all things as Brahman is the only means of salvation. To the pure all things are pure. This is the basic principle of Hinduism. What did Sree Krishna say in the Gita ?

“ See me in every one. If you insult any one, you insult me in him. If you disdain any one, you disdain me in him. If you love me, love every one, for then alone do you really and fully love me.”

Sir, this Bill confers on millions of untouchables certain benefits and removes from them the age-long stigma of inferiority, confers on the emancipated a sense of self-respect and is the greatest contribution towards the abolition of untouchability in this land.

With these words, I support the amendment of my friend, Mr. Sarma,● that the Bill be circulated for eliciting opinion thereon by the end of June, 1934.

Rai Bahadur Kunwar Raghubir Singh (Agra Division : Non-Muham-
madan Rural) : Sir, at the outset I must admire the ingenuity of the authors of the Bill, but, before I express an opinion on the Bill, I must show the genesis of the measure. It is undoubted that the majority of the educated people in the country are in favour of temple entry and all the English papers except the *Indian Mirror* are in favour of temple entry. There is no doubt also that the religious consciousness of the people is on the increase and I have heard the objections and read the views of the orthodox people on this question. Their first objection is the want of cleanliness in the Depressed Class people. But, Sir, that objection is gradually failing. I have seen even in villages that the Depressed Class people are cleaner than the Brahmans or the high caste people. The second objection is about customs and usages. But, Sir, when the times are changing, I do not see how the old customs and usages can continue. We must and we will have to change with the times if we are to live in this world. The third objection, as the Honourable Member has just pointed

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out, is that Dr. Ambedkar does not want temple entry. Well, what he said was that temple entry was a side issue, but he wanted bread for the poor people. The fourth objection is that the mere sight will pollute the deity or idol. But this view does not stand on strong ground, because we see in *melas* when the processions are taken out, and when the idols are taken out, everybody sees them, and there is no *prayaschit* or cleaning of the idol after the procession has been taken out. The fifth objection is that the *jugmohan* or the place where the idol is installed is too sacred to allow anybody to go there : it is sacred even for the ordinary people ; even a Brahmin like myself cannot go inside the *jugmohan*, and I cannot go unless I am dressed as the priest wants me to dress.....

Mr. Lalchand Navalrai : Are you orthodox or liberal ?

Rai Bahadur Kunwar Raghubir Singh : I am a liberal. I do not see any objection if these people are allowed to enter the compound, if not the *jugmohan*. The sixth objection is that twice-born people only can go there. By twice-born what I have understood is that those who are invested with the sacred thread are considered to be twice-born. But now with the change of times, I see that even the Depressed Classes are using the sacred thread. So I do not know how this difficulty is going to be solved. The seventh objection of these orthodox people is that the private temples cannot be thrown open to these Depressed Classes, but the public temples are always open. Now, Srijiut Dhirendra Kanta Lahiri Chaudhury said that there was no public temple. But in our provinces there are goddesses under the trees : they have a small temple and everybody has a right to go there, and if there is an image of Lord Shiva, then if nobody is there to look after the image, it is open to everybody and everybody goes there and can do *puja* and worship.....

An Honourable Member : Then what more is wanted ?

Rai Bahadur Kunwar Raghubir Singh : I am giving your views and your objections, and I will come to my views later on. Their last objection is that, if this Bill is passed, then the orthodox people will not go to the temples, that they will leave off visiting the temple and so the purpose for which they were built will not be attained. But I see that orthodox people, barring a few exceptions, are not very keen on going to temples. I myself go to the temple once a year or twice a year.....

An Honourable Member : So frequently as that !

Rai Bahadur Kunwar Raghubir Singh : So seldom I should say. The next consideration in this connection, as has been pointed out, is that God did not differentiate between man and man. If we see a man, we cannot say that he is a Depressed Class man or that he is an orthodox man or a *Sanatanist* or Arya Samajist : it is not written on his forehead that he is an untouchable. If an outsider were asked to see Rao Bahadur Raja and Pandit Satyendra Nath Sen, he cannot differentiate between them. (Laughter.) Then we know that there was Raidas in my province, a great *bhakta* or worshipper of God ; he was a *chamar* by caste ; and there was Sadna, a butcher ; and Kabir who was a spinner, not of the Gandhi type, of course, but he was a great worshipper of God : they were all great *bhaktas*.....

Mr. B. E. Puri (West Punjab : Non-Muhammadan) : Kabir was a Punjab man.

Rai Bahadur Kunwar Raghubir Singh : But he lived in Benares ; they were all Depressed Class people, but they are considered to be the teachers of mankind. Honourable Members must have heard the name of Mira, the great Princess of Udaipur, who is considered to be the Rani of all Hindus : she belonged to that family and she became a worshipper of God, a *bhakta*, and she went to Benares and adopted this Raidas as her Guru. So it is admitted on all hands that these people have been teachers of mankind. So there are people even among the Depressed Classes who are good ; all men are not of the same kind. There is a proverb or motto which is believed even by Christians, and perhaps also by Muhammadans, that " to serve man is to serve God ". If we cannot serve God in a proper manner, we have to serve man ; if we consider man to be below beasts, we are not serving God. There is a story, I think it is a fact, that Lord Ram Chandra, who is considered to be an *avatar* of Vishnu, ate the eaten berries of a Bhilni (wife of a Bhil)

Pandit Satyendra Nath Sen : Where did you get it from ?

Rai Bahadur Kunwar Raghubir Singh : Everybody knows it : it is in the Ramayan, and I can show it to you.

In view of all these considerations, I come to the conclusion that the Depressed Class people should be allowed to enter into the outer precincts of the temple. As for the notice spoken of in the Bill, private temples should be excluded from the notice which is required to be given by those who want to enter the temple.

There has been another suggestion by Mr. Lahiri Chaudhury that they should build their own temples ; but the Depressed Classes are very poor people and they cannot afford to build so many temples as to afford facilities to everybody. So I would suggest to the orthodox people to contribute to and start a fund to build new temples for them ; and I would advise the orthodox people not to think that the great Sanatan Dharma, which has stood up for several centuries, in spite of the attacks by other religions, can be killed by this temple entry question. I do not think so. It will go on as it has been going on. If we show any regard for the Depressed Classes, then there is no doubt that national solidarity is bound to come. This is one result which will be produced by allowing facilities to the Depressed Classes ; and the other which some speakers doubt is Swaraj. But I know also the fact that most of my constituents are against temple entry as such, because most of them are illiterate and hence oppose it. Therefore, I will support Pandit Ram Krishna Jha's amendment that it should be sent for eliciting opinion, because religious matters should not be brought before Legislatures and this is the opinion expressed by our great Sanatanists leader, Pandit Madan Mohan Malaviya.

Then, the fear has been expressed that there may be civil war among the Hindus, but I say that this is just the time when such a thing should not happen, and, therefore, Sir, I would advise caution in the matter. There is no doubt that great interest has been aroused and no disabilities of any kind must remain so far as the Depressed Classes are concerned ; but, Sir, these disabilities cannot be wiped out in a day ; it will take time. Orthodox people are alienating the sympathies of their own kith and kin which, I am afraid, will recoil on their own heads. So I will request them to be equally cautious. They should remember that the days of orthodoxy are numbered, and we cannot plough the same furrow, for ever.

Mr. Amar Nath Dutt : Sir, at the very outset I must make my position clear. I am not an orthodox Hindu, but I am a representative of a division with a population of 15 lakhs, the majority of which are orthodox Hindus. Sir, my constituency includes the sacred town of Katwa where Shri Chaitanya Dev had his initiation or *Sanyas*. Be that as it may, I have always held that this Legislature is not the proper place where we can discuss things of this character. These are questions which are personal to every individual. A man may believe in one God, or several Gods, and may be an idol worshipper, or he may be an atheist or agnostic. When I heard some of the speakers, who preceded me, I felt that I was in a theological class room taking my elementary lessons on God and how to worship Him. If I had been really a student, I would have been in difficulty to decide whether to follow my friend over there, Pandit Satyendra Nath Sen, or my friend over here, Mr. Rajah....

Rao Bahadur M. C. Rajah : Follow me.

Mr. Amar Nath Dutt : But in my judgment these things are matters for discussion in a theological class room and not in this Legislature. A man's faith is his personal concern and should not be interfered with by the Legislature. It is for me also to choose what company I shall keep, and what faith I shall pursue. If I say to my friend, Pandit Sen : " Pandit Sen, excuse me, I cannot bear your sight, please be off from me ",—the Legislature ought not to force me to associate with Pandit Sen.

Mr. B. R. Puri : If that becomes law, you would see the opposite benches cleared and English people packed off.

Mr. Amar Nath Dutt : I am not so narrowminded as my friend over there from the Punjab. It has been our lot to live here with several foreigners, in fact we who are the descendants of our Aryan forefathers, are also foreigners. We came from Central Asia. It is one thing for the Dravidians from the South to say that they are not foreigners, but we Aryans, who came from Central Asia, are also foreigners. After us came the Rajputs, then came the Pathans and Moghuls and after them came the Englishmen. Sir, if we are to drive out any foreigner, I think India will have to ask every one of us to make an exit excepting my friends from the land of Jambubans. What I submit is, we should seriously consider whether it is the function of the Legislature to legislate on matters like these. I think I may claim to be a member of the Depressed Class, and I would like to be a member of the Depressed Class considering the Poona Pact and its effect on Bengal ; I welcome to be a member of the Depressed Class, and the Kayasthas would welcome to be members of the Depressed Class in view of the political advantage we are likely to gain in Bengal owing to the blessed Poona Pact....

Mr. S. C. Mitra : Is it only for election purposes ?

Mr. Amar Nath Dutt : Yes, in these days, election covers every field of activity as my friend knows very well. If my friend's political life goes away, then he is nowhere. I think he will admit this. I know there are Brahmins who will not take water from my hands, but I have never made a grievance of it. I have my own family God, as every Hindu has, and I know the Honourable the Law Member has also got his own

family God in his village which is just close to mine, but he is not allowed, in spite of his high position, to touch his own God,—and I am sure he will bear me out, that neither he nor his brother of revered memory ever made a grievance of it. These are questions which one must settle for himself outside this hall. Here we are concerned mainly with the laws of the country and the policy of the Government, and not with urging any social or religious reform. One thing is quite clear, that the men who are very keen on temple entry are men who are themselves not believers in idol worship, and it appears to me that they are carrying on a sort of vendetta against the orthodox community....

An Honourable Member : It is a political game.

Mr. Amar Nath Dutt : I did not support the orthodox community when they excommunicated the people who went abroad in those days. They were compelled to live the life of a foreigner in their own land ; they were almost like outcasts. Of course, those days have gone now, but without taking names—many names occur to me, and I think my friend over there from East Bengal who is laughing knows what they are,—many people carried on a tirade against idol worship, and established another theistic Church by the name of Brahmo Samaj, and it is at their instigation that this vendetta is being carried on against the orthodox community, to which I cannot be a party. As I have already said, it will be a negation of democracy if we are allowed to legislate about faiths and social customs and manners, unless it be of the nature of *Sati*. Had it been a permissive legislation, I would not have minded it. It is all very well now to play to the galleries and say that all the newspapers are supporting it excepting the one paper the *Indian Mirror*. Many of us know the fourth estate, and nothing has pained me more than this that they have at times to say things which will help them to sell their paper well. That is really a deplorable state of things.

Sir, as I do not wish that Pandit Sen, or, for the matter of that, Pandit Ram Krishna Jha, should compel me to keep a *chutka* over my head or recite *sandhyavandan* or not to take food brought by men who are not of my caste—as I do not like that they should have any right to legislate like that, so also I do not wish to compel them to act in a way in which I would like to see them act—that they should throw their idols away, or they should take food from the hands of my Honourable friend over there, Mr. Rajah, or, for the matter of that, from the hands of those who are non-Hindus. I do not want to compel them to do so. This is a simple thing, whether or not we can force our own views upon others as you do not like that they should subject us to accepting their views in matters of faith and social custom. I do not believe that those gentlemen who are very keen and vociferous about the support of this Bill really in their heart of hearts think that it is necessary. I for my part can say for Bengal that there is no such thing as untouchability in my own province, and the division into Depressed Classes and Caste Hindus which has been made by the Poona Pact is one of the greatest blows that have been offered in recent years to the political progress of my province.

My Honourable friend has quoted from the Vedas and other sacred books, while my friend over there has quoted Mr. O'Malley and Sir Thomas Strange. Both of them tried to give certain interpretations about religious rites and customs and about the historical origin of certain

[Mr. Amar Nath Dutt.]

religions. But one thing about which my Honourable friend quoted, namely, from Mr. O'Malley,—I think I know better than many of us here, probably save and except the Law Member, about the *Dharmaraj* which is peculiar to Western Bengal and that part of Western Bengal from where we hail. My Honourable friend did not really follow the true spirit of Mr. O'Malley's few lines, for if he had understood them, he would have seen that they did not support his case. On the other hand, it supported my Honourable friend, Pandit Satyendra Nath Sen's case. Be that as it may, I am not here either to support Pandit Sen or to oppose him, but I say this that Bills like this should not be allowed to come into this House. Unfortunately when it has been allowed to come in, I think that if we make short work of that, it will be better for us. With these words, I appeal to the House not to waste its time any more on wrangling about matters on which we cannot agree, and about which we intend not to agree and are determined not to agree.

The Honourable Sir Harry Haig : I rise on behalf of Government not to express any opinion on the merits of this Bill, but to say quite shortly that we agree to the proposal that the Bill should be circulated for opinion. In saying that, I do not want the position of Government in any way to be misunderstood. Our agreement to the circulation of this measure must not be taken in any way as implying support to its provisions. It is true that the Government, as I think most Honourable Members in this House, have a feeling of sympathy for the Depressed Classes and are anxious to do what they can to promote their social and economic improvement. But it was made sufficiently clear by my Honourable friend, Mr. Lahiri Chaudhury, that it is possible to hold those views and yet to oppose the Bill.

Now, Sir, I think it would be most convenient if you will permit me to read out a portion of the statement which the Government issued on the 23rd January last, because memories are short and this was a considered statement of the position of the Government and I should like on this occasion, if I may, to repeat it :

“The Governor General is not prepared to deny to the Central Legislature an opportunity of considering these proposals and is therefore according his sanction to the introduction of the Bills. But the Governor General and the Government of India desire to make it plain that in their opinion it is essential that the consideration of any such measure should not proceed unless the proposals are subjected to the fullest examination in all their aspects, not merely in the Legislature, but also outside it, by all who would be affected by them. This purpose can only be satisfied if the Bill is circulated in the widest possible manner for the purpose of eliciting public opinion, and if adequate time is given to enable all classes of Hindus to form and express their considered views. It must also be understood that the grant of sanction to the introduction of these Bills, in this as in other cases in which previous sanction is required, does not in any way commit the Government to acceptance or support of the principles contained in them and that the Government of India retain a free hand to take at later stages such action in regard to these proposals as may, upon a full consideration of the circumstances, appear necessary.”

That, Sir, is the position of the Government.

With regard to the date of circulation, there is little for me to say, for only one date is in fact before the House, that is, the 30th June, 1934. That, Sir, seems to us to be a reasonable date in order to secure the objects we are aiming at, namely, eliciting public opinion in the widest

possible manner and giving adequate time for views to be formed and expressed.

The only other point I have to deal with is the question whether the Bill should be circulated in the ordinary way or should be circulated only to certain limited classes. I think I may say that the view of Government is that, if the Bill is to be circulated, we should secure the fullest possible circulation. We want this matter fully ventilated, fully discussed and fully considered.

Pandit Satyendra Nath Sen : Is it not against the spirit of your communiqué ?

The Honourable Sir Harry Haig : No, Sir. I think it is entirely in accordance with it. It refers to all classes of Hindus....

Pandit Satyendra Nath Sen : All classes of *Hindus*.

The Honourable Sir Harry Haig : And I think from a practical point of view, it would hardly be possible to limit the circulation of the Bill as has been proposed by some Honourable Members. Government, therefore, propose to give their support to the amendment of my Honourable friend, Mr. Sarma.

Some Honourable Members : Let the question be now put.

Mr. B. V. Jadhav : Sir, the orthodox point of view has been ventilated at great length for about two days and the other side of the case has not been put to the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : There is certainly no objection to allow the discussion to continue. The Chair only thought that those who support the Bill are anxious to send it out for circulation.

Mr. B. V. Jadhav : I am very much obliged to you for giving me an opportunity of expressing my views on this very important Bill. It is very well known that this Bill has been opposed by a section of the Hindu community who call themselves Sanatanists, but I may assure this House that I consider myself to be a better Sanatanist than many of them. I believe in one God and I believe in the brotherhood of many. I consider all men to be equal. It is the Sanatanists who want to create divisions among Hindus and want to perpetuate them. My learned friend, Pandit Sen, defined Dharma in three categories, belief in the infallibility of the Vedas, belief in the existence of God and belief in re-birth. But I may tell him that the Mimamsa School, who have a strong faith in the infallibility of the Vedas, do not believe in the existence of God and still my learned friend will not deny that the followers of the Mimamsa School are Sanatanists or Hindus.

Pandit Satyendra Nath Sen : It is not a fact that the Mimamsa School does not believe in the existence of God.

Mr. B. V. Jadhav : It is a fact. You may read the books on the subject.

Pandit Ram Krishna Jha : A little knowledge is a dangerous thing.

Mr. B. V. Jadhav : Quite true. You may wear that cap, it will fit you. As regards re-birth, many of the Hindus do not believe in it and still they are Hindus. I believe in re-birth ; but I have come across a number of men who do not believe in it and still are as good Hindus as you and I. So I have to point out that the definition of Hinduism that my learned friend proposed can not be accepted in its entirety. As a matter of fact, I have found that it is hardly possible to define Hinduism accurately.

[Mr. B. V. Jadhav.]

Now, the second point that I wish to touch upon is that the Sanatanist always relies on the Queen's Proclamation and says that Government ought not to interfere with religion. I may draw the attention of the House to section 67 of the Government of India Act and I do not think that the framers of that Act or the British Legislature that passed the Act had no regard for the Queen's Proclamation. They had every regard for the Queen's Proclamation and I do not think they have violated the terms of that Proclamation by enacting this law. Section 67, sub-section (2) says that it shall not be lawful, without the previous sanction of the Governor General, to introduce at any meeting of either Chamber of the Indian Legislature any measure affecting the religion or the religious rites and usages of any class of British subjects in India. So, with the previous sanction of the Governor General, any such measure can be introduced in either House and if both Houses accept that measure, it can pass it into law with the Governor General's sanction.

I may point out that according to the Manu Smriti, on which the Pandits mainly rely, the fountain head of religious usages is the King. It is he who has to determine what is religion and what is not, what is proper and what is not proper. He is to be advised by a council of learned Brahmins, but they are councillors and their advice may be taken, accepted or rejected. It is the king who has to determine everything. And if you will look into the practice, you will find that the King has intervened on many occasions. In my own Presidency, there had been many instances in which the king settled cases even against Brahmins. It is the king who can put Brahmins out of caste and re-admit them into the caste. This practice was followed in the days of the Muhammadans also. They did give their decisions on religious matters. After the advent of the John Company in Calcutta, it is on record that in the days of Warren Hastings, the Courts of East India Company decided such matters and the Hindu Bania of Warren Hastings presided in his stead. In the province of Madras also, there were religious courts presided over by English Collectors and their decisions have been brought into execution. A foreign Government, a Christian Government, saw the inconvenience of giving decisions in religious matters and the British people ultimately adopted the policy of neutrality. The Queen's Proclamation affirms that attitude of neutrality. The British Government by themselves will not interfere in religious matters. They will observe religious toleration and will allow people to go in their own way. But, beyond this, the Queen's Proclamation cannot go. Now, Sir, the Indian Legislature has been formed and rights of autonomy have been given to a certain extent. Therefore, it is but natural that religious questions should be allowed to be discussed in the Legislature and decided according to the votes of the majority. It is for the Governor General to see that the majority does not rule over the minority unreasonably or that the religion of the minority is not interfered with unnecessarily. For that purpose the provision in section 67 of requiring the sanction of the Governor General is made and that is quite enough.

Shastras are flung in our face and it is said that the Rishis have said this and said that and that usages ought not to be changed. But if one examines the course of events in ancient India and of even modern India, it will be found that religious practices have been constantly changing.

My learned friend said that there were no temples in the *Krita* and *Treta Yugas*, and he says that these temples were introduced in later ages. Is it not a change in the old religious practices? The religion has been always changing, although the learned Pandits and Sanatanists have been boasting of its remaining constant and unalterable according to their ideas of what they think as constant and unalterable. But if they will think for a moment, they will find that every age, nay every day there have been material changes going on.

Pandit Satyendra Nath Sen : There has been no change in the basic principles.

Mr. B. V. Jadhav : Basic principles ! We left them long long ago. There is only one basic principle, namely, there is one God and there is one *Varna*. The one *Varna* you have split into four and added the fifth, although the Vedas particularly say that there is no fifth. You have now split that into thousands of castes.

Now, Sir, let us see how this untouchable community came into existence. My learned friend has given us the clue and I have read the same thing in the only paper that is supporting Sanatanism, the *Indian Mirror*. By the by, I may point out to the House that there was an admission on the part of the Sanatanists that the whole Indian Press, with the exception of this newly started *Indian Mirror*, is in favour of temple entry.

Pandit Satyendra Nath Sen : The papers have been bought over.

Mr. B. V. Jadhav : But the papers are for the people and if the people like the ideas promulgated in these papers, you cannot deny that the whole majority of their readers are for temple entry and in favour of the doctrines that are preached in these papers. The *Indian Mirror* is a paper brought out by the Sanatanists and I have to express my thanks to the management of that paper that they give me a copy *gratis*. I would not pay for it, certainly. And I do make some use of that paper.

Pandit Satyendra Nath Sen : You are again making the mistake of relying upon votes.

Mr. B. V. Jadhav : In this House we have to rely upon votes : so the argument against votes does not stand in this House.

Pandit Satyendra Nath Sen : But this House was not intended for discussing religious matters.

Mr. B. V. Jadhav : We shall speak about it afterwards. It is the King that has to decide in religious matters and the present Legislature stands in the place of the King. The King is there to give the ultimate sanction. Now, the *Indian Mirror* also said, as my friend, the Pandit, has said, that the *Chandalas* came into existence as a result of connections. It does not say promiscuous connections. I grant, for the sake of argument, that the issues of a Brahman woman and a Shudra were classed as *Chandalas*. Perhaps a Brahman woman may have thought a Shudra to be a better mate, but that is by the bye. There is no expiation according to the Pandit and his doctrine is that once a *Chandala* is born, he and his progeny for hundreds and thousands of generations should remain *Chandalas*. What is this argument ?

Pandit Satyendra Nath Sen : I did not mean that. A *Chandala* may be born as a Brahman in the next birth.

Mr. B. V. Jadhav : One does not know when that next birth is to come. We are living in the present time and you cannot ask the *Chandalas* to be satisfied with the promise of better birth in the future. Sir, it is a very anomalous position that the Sanatanists have put themselves into. The Sanatanists are great advocates of the four fold system of *Varnas* and they particularly say that there is no fifth. So, what do they say ? Do they say that the untouchables or the *Chandalas* belong to the Shudra class or do they belong to some class other than Shudras ? If they are Hindus, they must come somewhere within its fold of the four *Varnas*. If they do not come within that fold, then they must be outside Hinduism. I do not know what stand the Sanatanists are going to take. I do not know whether they are going to admit them as Shudras or going to put them outside the pale of the four *Varnas*.

Pandit Satyendra Nath Sen : They belong to no *Varna*.

Mr. B. V. Jadhav : If they do not belong to any *Varna*, then, I submit, that they do not come within the fold of Hindu religion ; because, the Hindu religion is based upon the four fold division of *Varnas*. If they are outside these *Varnas*, then they are not Hindus and then the question becomes very simple.

My learned friends have got great sympathy for the *Chandalas* or the Depressed Classes and my friend, the Pandit, advises them to stick to their professions and not aspire for higher loaves and fishes. He instanced professions such as washerman, etc. I heard him say something about washermen and barbers. But in a private talk with him, he admitted that barbers were not untouchable, but the washermen, are. Now, on my side I may point out that a washerman is not an untouchable at all. What about the washerman who washes the clothes of the learned Pandit ? The washerman is an untouchable, but the clothes he washes are not untouchable.

Pandit Satyendra Nath Sen : They are washed at home.

Mr. B. V. Jadhav : Yes, a few drops of water are sprinkled on them. That practice was followed in my younger days. But what a travesty of cleanliness that is. If a few drops of water can purify a cloth washed by washerman who is a *Chandala*, then the conscience of my learned friend must be a very convenient one and it becomes satisfied by a very small purification. The less said about this affair, the better. My learned friend says that if the untouchables enter into temples, the Gods will be polluted.

What is going to purify those Gods which are being polluted ? It is the droppings of the cow. A cow goes every where and eats all undesirable things and perhaps even the droppings of the untouchables themselves, and that cow is very sacred for my Honourable friend. I know, some 20 years ago, in the temple of Srirangan, a *Smartha* Brahmin Sanyasi went and prostrated himself before the God, and the learned Brahmins of that place, Vaishnavites, declared that the God was polluted by the *Smartha Sanyasi* bowing down to the God, because he belonged to another sect. So this pollution was washed away by the Brahmins in dinners. Whenever the Brahmins think that expiation ceremony should be performed, they simply sumptuously feast themselves for purification. These pollutions are to fill the belly of the Brahmins. When the untouchables will become rich

and when they will be allowed to rise in life, and they will feed the Brahmins, those Brahmins will write out some books in which they will say that they have descended from certain Kshatriya Kings or from certain Rishis, and so on.

Pandit Satyendra Nath Sen : Try to make them rich first.

Mr. B. V. Jadhav : But you don't allow them to become rich.

Pandit Satyendra Nath Sen : But why temple entry, if they want to become rich ?

Mr. B. V. Jadhav : Temple entry is a symbol. There is my friend, Mr. Lahiri Chaudhury, who sympathises with everybody and gives a very good tip to Mr. Gandhi and those who are the friends of the Depressed Classes. He says, let them have separate temples. A very good idea indeed. As I said just now, the question of temple entry is not the be-all and end-all. Those who ask for the temple entry, ask people to recognise that the Depressed Classes men are men and, as human beings, they have got their own rights. Up to this time the children of the Depressed Classes were not allowed to attend ordinary schools conducted at the expense of public money. They were not allowed to make use of Dharamsalas which were erected at the expense of public money. These elementary rights of equality of all subjects were denied to these unfortunate people. The question on their part is the demand of equality and it is to be seen whether this House is going to recognise their claim to equality or not. This question of temple entry is merely a symbol. If they are Hindus, they have got the rights of other Hindus and if the other Hindus go to pay their obeisance to the Gods, then *a fortiori*, the Depressed Classes ought to be allowed to do the same.

Pandit Satyendra Nath Sen : Have all the Caste Hindus equal rights ?

Mr. B. V. Jadhav : They ought to have. If they have not, it is a wrong which ought to be righted as early as possible. One wrong will not justify another wrong.

Sir, I should like to say only a few words about the condemnation of the Poona Pact by the people of Bengal. I fully realise that the condition of the advanced communities in Bengal who are technically called *Bhadraloks*.....

Pandit Satyendra Nath Sen : Is a reference to the Poona Pact relevant to the present discussion ?

Mr. President (The Honourable Sir Shanmukham Chetty) : There has been reference already to the Poona Pact in the course of the discussion.

Pandit Satyendra Nath Sen : The Honourable Member, Mr. Lahiri Chaudhury, was ruled out of order by the Deputy President when he made a reference to the Poona Pact.

Mr. President (The Honourable Sir Shanmukham Chetty) : A detailed discussion will not be allowed, but if any Honourable Member just makes a reference, that will be in order.

Mr. B. V. Jadhav : Upto this time the Depressed Classes, and even those who do not belong to the fortunate class of *Bhadraloks*, were completely lost sight of in Indian politics and were not allowed to have any representation in the Councils. Now, when by efforts of their own leaders,

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like Dr. Ambedkar and Mr. Rajah, their claims have come to be recognised and when the *Bhadraloks* see that the tables are likely to be turned upon them, they are going to condemn the Poona Pact. It is very inconvenient for them, for they will suffer in the Legislatures. There is no doubt about that and I sympathise with them. But all these years they have been posing as the leaders of the Depressed Classes. The Brahmins in my part of the country and also in your part of the country, Sir, did the same a few years ago. But the non-Brahmins began to demand their rights and to demand equal position in society and in the Legislatures and in the same way it is but right and natural that the claims of the Depressed Classes ought to be adequately recognised. My advice to the advanced communities or to those who now feel strongly against the Poona Pact is that if the voting strength is with the Depressed Classes, then, according to the voting strength, they must secure seats. If you are ready to do them justice and if you want to win their confidence, then in the long run you will not suffer, because the total number of Hindu seats will remain the same. But if you desire to exploit them and take advantage of their backwardness, then certainly the representatives of the Depressed Classes will have to oppose you in the Indian Legislatures and claim their rights. This is but natural. All these troubles have been brought about by the selfish motives and the selfish actions of certain Sanatanist communities.

Mr. Amar Nath Dutt : Please use better expression.

Mr. B. V. Jadhav : If that expression offends you, I am ready to withdraw.

Pandit Satyendra Nath Sen : You need not withdraw. We are accustomed to these offensive expressions.

Mr. B. V. Jadhav : All I say is that the Depressed Classes ought to be recognised as human beings and if they are Hindus—and I hold them to be Hindus—they should enjoy all the rights of the Hindus. I give my support to this Bill and to the motion of Mr. Ranga Iyer that it be circulated for eliciting public opinion. I may point out that according to the amendment tabled by Sanatanists, I shall have every right to give my vote. I do not come under any of the categories they intend to exclude. A question may be asked whether I will go to temples.

Mr. Amar Nath Dutt : You do not go to the temples, but your wife does.

Mr. B. V. Jadhav : I went to the temple in my childhood. I do not think there is any use going there now.

Mr. Amar Nath Dutt : So the temple is pure.

Mr. B. V. Jadhav : They have been as pure as they were before. The Brahmins who do *pūja* have not improved in their manners, or their morals. I do not support the original motion. I hope the motion for circulation will be carried.

Some Honourable Members : The question may be put.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that the question be now put.

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair proposes to put Mr. Sarma's amendment first to the vote, because it is the most comprehensive amendment to the original question.

The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934."

The motion was adopted.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, as some of the opinions have not yet been received, I am advised not to move the motion* standing in my name to-day, but I will do so on some other day.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now take up further consideration of the following motion moved by Sardar Sant Singh on the 9th February, 1933 :

"That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Select Committee consisting of the Honourable Sir Harry Haig, Sir Hari Singh Gour, Mr. S. C. Mitra, Rao Bahadur B. L. Patil, Mr. Lalchand Navalrai, Mr. Abdul Matin Chaudhury, Mian Muhammad Shah Nawaz, Mr. B. R. Puri, Sir Abdur Rahim, Mr. Gaya Prasad Singh, Mr. D. G. Mitchell, Rao Bahadur S. R. Pandit and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Lalchand Navalrai (Sind : Non-Muhammadan) : Sir, this is a legal subject and I find I have every right as a lawyer to say something on this Bill. Sir, it appears to me that the sections of the Criminal Procedure Code which are sought to be amended are very important sections. One mistake that I consider has been done by the Mover is this that he wants six sections to be amended at once by one Bill. That might complicate and might confuse at least those who are not lawyer Members. However, I shall try to put the sections clearly to the House to see whether the proposed amendments are reasonable or not. The first section of the Criminal Procedure Code which the Honourable the Mover seeks to amend is section 30. That section provides that even though there be a Sessions Court working, Government have got the power to appoint special Magistrates who can be given full powers to pass any sentences less than death. In other words, a magistrate having first-class powers, who can ordinarily give only two years' imprisonment, is given under this section power to pass sentences up to anything less than death. Then we find that such magistrates are given these powers after a few years of their service and we find that these magistrates always pass heavy sentences. They are given big cases, for instance, cases under section 307 of the Indian Penal Code which deals with attempt to commit murder and they pass sentences in these cases. And you can see clearly that in a magistrate's Court the procedure is that of a magistrate and not that of a Sessions Court where cases are tried with the aid of a jury or assessors. He can sit as a magistrate, go through the prosecution and defence and pass sentences which I have mentioned. The amendment

"That the Bill to provide for the protection of the names "Khaddar" and "Khadi" used as trade descriptions of cloth spun and woven by hand in India, be taken into consideration."

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required by the Mover is that section 30 should be omitted now. It will be found that this section 30 was originally intended, as appears from the wording of the section, to apply to those non-regulated provinces where there were no Sessions Courts and the Courts' work was mostly done by Assistant Commissioners and Deputy Commissioners. At present it applies to Burma, Sind, Central Provinces and certain parts of the Punjab where there are Commissioners. This section appears in the Criminal Procedure Code since long, and is it not time now for Government not to give these powers to magistrates? We find that in Sind, for instance, which was formerly considered as a non-regulated province, there are now Sessions Courts in every district. Not only that, but there are also Additional and Assistant Sessions Judges. There are also first-class Subordinate Judges who have got criminal powers and yet these magistrates are given such large powers. I submit that it is not required at this time and, so far as this section is concerned, it is high time that it should now be deleted. It may be said that at present there are very few magistrates who are given these powers, but that is not so. I assure you that in every district you will find one or two magistrates having powers under section 30 and they exercise these powers in the face of the Sessions Court sitting only at a short distance. I do not understand why these powers should be given to them. If there is any political consideration, it would be different, but it is not done from that point of view at all. It applies to ordinary persons, and why should the people, who are accused before them, not claim to be tried in a regular Sessions Court where the procedure is better, the consideration is better and the authority is better.

Sir, I will now deal with the second amendment which is with regard to section 103 of the Criminal Procedure Code. I will explain to the House what section 103 is. It says that the police have got power to go and search a certain person's house if they suspect or have got reasonable grounds for believing that he has got stolen property or any such thing in his house. Section 103 requires that some respectable persons of the locality must be present at the time of the search. At present the word in the Criminal Procedure Code is "locality". This word in practice has been abused by the police, and I will explain how. The intention of the Legislature is clear enough, namely, that they should take some respectable people from the neighbourhood, so that they will be such persons as can see that the police do not do anything wrong and, if they do anything wrong, the neighbours will have the courage to come forward and speak the truth and not join the police in the fabrication of anything wrong. The practice of the police now,—and I say it as a result of an experience of 40 years' practice,—is this: They start from their thana which may be six or seven or eight miles away from the scene and take with them two persons from their own thana town—not police officers, but people who are more or less at their beck and call or at any rate people who will be ready to join hands with them if there be any difficulty for the prosecution. These persons are considered to be persons of the locality though the scene be so many miles away. What is wanted by this amendment is this, that the very object of the section should be given effect to, namely, persons of the neighbourhood should be present at the search ;

and, therefore, my Honourable friend, the Mover of this Bill, has thought it fit to put the word "vicinity" instead of the word "locality". It may be said that locality might be considered to be vicinity. But vicinity would mean close neighbourhood. Objection may be taken that there might be no houses or villages nearby within three or four or five miles of the scene and that if a person is brought from another place further away, he may not be considered to be a person of the vicinity. But such cases where the distances are very long are very rare and in those cases, even if this change is made, vicinity will mean the nearest place though the nearest village may be six or seven miles away. Therefore, knowing the mischief that is now being done, I would recommend that this amendment should be made.

I pass on to the third amendment. This is with regard to section 167 of the Criminal Procedure Code. Under this section the police are authorised to take prisoners in custody to the magistrate if they want to investigate the case for more than 24 hours, for what is technically called a "remand". The present practice is that if the police think there is no representation on behalf of the accused, they take the accused to the Court: but often they take him to the residence of the magistrates, and what is objected to by this amendment is that they should not be taken to private residences of magistrates. Another amendment is that before giving a remand, the accused must be heard and his counsel should be given a hearing. I say, this is a very salutary amendment. At present the police take a man before a magistrate and the magistrate passes an order *ex parte*: I suggest that the remand giving should be done publicly, and if it is done publicly, it must be done in Court and, therefore, this amendment is a good one. Then, as to the other point about the accused being accompanied by his pleader or his being allowed to say his say whether a remand should be allowed or not. Ordinarily the police want remands to fish out evidence or to do something like that. They are not bound to take him to the magistrate who has got jurisdiction: they may take him to any first class magistrate: not only that, but, under this section, the Local Government has got power to even empower second class magistrates to give remand. I submit, therefore, that it is very necessary that this amendment should be made. It is the police who, for the purpose of fishing out evidence or sometimes fabricating evidence, secure a remand to keep a man for fifteen days in jail, sometimes even fifteen days at a time; and, therefore, this amendment is reasonable and should be made.

I proceed to the next amendment with respect to section 205 of the Criminal Procedure Code. This section gives discretion to the magistrate to exempt any accused person from appearance in Court if a summons has been issued: but if it is a warrant that has been issued, then the magistrate has got no power under section 205. In practice, where it happens that respectable people and *purdanashin* ladies are complained against and counsels come before the magistrates and explain the circumstances, the magistrates are kind enough to adopt the following procedure. Since they have no power to exempt where a warrant has been issued, they see their way to adopt a device by going through a technicality of cancelling the warrant and issuing a summons even if the person has served. This indirect way of doing things should

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cease and section 205 should be amended in order to take away the word "summons" occurring there, and to alter it to say that whenever an accused person is complained against, it will be in the discretion of the magistrate to give him personal exemption. I need not say anything more and I think this will appeal to the House.

Then I proceed to section 386. This section refers to cases where an accused person is sentenced to fine and in default he is directed to undergo imprisonment. Now, the section itself provides that if he undergoes imprisonment and his fine has not been recovered till then, the magistrate has got power either not to issue warrant or to issue warrant for the purpose of realising that fine. Now, this amendment proposes that if the man has already undergone imprisonment in lieu of that fine, the fine should not still be taken from him and the power of magistrate that is vested in him to issue a warrant or not to issue it should be amended. If a man is not able to pay the fine or the money has not been recovered till he has actually undergone the imprisonment, why should the sword of Damocles, I mean the warrant, hang over him? Therefore, I think this amendment is also quite reasonable.

As I was saying, my friend has selected very reasonable amendments of the Criminal Procedure Code. I hope I have shown that all are really very important points, and there remains only one more, which I shall very briefly allude to.

Now, Sir, this remaining amendment refers to section 406 of the Criminal Procedure Code. This allows an appeal when a man is convicted, for what is popularly called "badmashi". Under this amendment, if a man is convicted for keeping good behaviour or for keeping the peace, then an appeal would always lie not to the District Magistrate, but to the Sessions Court. The law has been amended in such a manner that the appeal lies to the Sessions Court, but the power has yet been reserved in the Government to direct appeals in some cases to be heard by District Magistrates. Let me now interest the House as to how these "Badmashi" cases are dealt with by District Magistrates. They go round on their horses, in the interior of their charges when some people including those inimical to a particular man naturally collect round them and cry out that such and such a man is a *badmash*. The District Magistrates hear this, take it as a gospel truth and put it down in their diary that man's name. Next they ask the police to send him up as a bad character before their subordinate magistrates, who invariably convict him. Should in such cases the appeal lie to the District Magistrates? Because, in almost all cases, the subordinate magistrates get their inspiration from the District Magistrates. Therefore, it is objectionable that such reservation that "if the Local Government so thinks, the appeal may lie to the District Magistrate" should cease to exist. Therefore, my learned friend's motion is that the power of the District Magistrate of hearing appeals in any case should be taken away and all appeals under section 406 should lie to the Sessions Court. These are the amendments in all and I commend them to the House.

The Assembly then adjourned till Eleven of the Clock on Monday, the 28th August, 1933.